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Pennsylvania Bulletin  
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# PENNSYLVANIA BULLETIN

Volume 29  
Saturday, February 13, 1999 • Harrisburg, Pa.  
Number 7  
Pages 799—968

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Department of Health's  
Emergency Medical Services

## **Part I**

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Department of Banking  
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Department of Health  
Department of Labor and Industry  
Department of Revenue  
Department of Transportation  
Fish and Boat Commission  
Independent Regulatory Review Commission  
Insurance Department  
Liquor Control Board  
Pennsylvania Public Utility Commission  
State Police  
Turnpike Commission

**Detailed list of contents appears inside.**

**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 291, February 1999**

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**PENNSYLVANIA**



**BULLETIN**

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, Pennsylvania 17055-3198  
(717) 766-0211 ext. 340  
(800) 334-1429 ext. 340 (toll free, out-of-State)  
(800) 524-3232 ext. 340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, PA 17055-3198

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ISBN 0-8182-0004-9

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

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## ***Pennsylvania Bulletin***

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

*Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1999.

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# PENNSYLVANIA BULLETIN

Volume 29  
Saturday, February 13, 1999 • Harrisburg, Pa.

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## **Part II**

This part contains the  
Department of Health's  
Emergency Medical Services

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Fry Communications, Inc.

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800 W. Church Rd.

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ISBN 0-8182-0004-9

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# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 7]

[EXECUTIVE ORDER NO. 1999-1]

#### Land Use Planning

January 7, 1999

*Whereas*, Pennsylvania's land is a precious, yet finite, resource; and

*Whereas*, from 1960 to 1990, the population of Pennsylvania's largest metropolitan areas grew by 13 percent, but developed land area in these areas grew by 81 percent; and

*Whereas*, between 1970 and 1997, Pennsylvania lost 24,000 farms and 25 percent of the total acreage of farms to other uses; and

*Whereas*, Pennsylvania's present growth patterns have long term social, environmental, and economic health consequences to the Commonwealth; and

*Whereas*, the role of Pennsylvania's local governments in land use planning is an important and vital part of our heritage; and

*Whereas*, Pennsylvania's communities are the foundation of our Commonwealth and their social and economic viability are critical to the overall health of Pennsylvania; and

*Whereas*, Pennsylvania's economy will continue to grow as the Commonwealth enters the next century as a leader among states and a competitor among nations; and

*Whereas*, a healthy environment, a dynamic economy, and the well being of Pennsylvania's communities are directly linked; and

*Whereas*, sound land use practices minimize urban sprawl, alleviate traffic congestion, promote efficiencies, reduce environmental degradation, and contribute to more efficient and effective long-term economic growth; and

*Whereas*, Pennsylvania's historical, cultural, and educational resources are integral to sustaining viable communities, strengthening generational and cultural connections, and furthering tourism-based economic development objectives; and

*Whereas*, the Governor has created a Greenways Partnership Commission to promote a network of greenways across the state to contribute to environmentally sensitive growth strategies, provide intermodal transportation options, and improve the quality of life and livability of our neighborhoods and communities; and

*Whereas*, the 21st Century Environment Commission, created by *Executive Order 1997-4* identified land use to be the most pressing environmental priority facing the Commonwealth.

*Now, Therefore, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby declare the following to be the policy of the Commonwealth to guide all Commonwealth agencies when making decisions that impact the use of land in Pennsylvania.*

Governor

**Fiscal Note:** GOV 99-1. No fiscal impact; (8) recommends adoption.

### **Annex A**

## **TITLE 4. ADMINISTRATION**

### **PART I. GOVERNOR'S OFFICE**

## **CHAPTER 7. MISCELLANEOUS PROVISIONS**

### **Subchapter TT. LAND USE PLANNING**

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7.771.	Commonwealth land use policies.
7.772.	Responsibilities of Governor's Center for Local Government Services.
7.773.	Community and Economic Development Enhancement Act.
7.774.	Green Government Council.
7.775.	Geographic information system.

#### **§ 7.771. Commonwealth land use policies.**

(a) Soundly planned growth is in the best long-term interest of the Commonwealth and should be encouraged at all levels of government.

(b) Farmland and open space are valued Commonwealth natural resources and reasonable measures for their preservation should be promoted.

(c) Development should be encouraged and supported in areas that have been previously developed or in locally designated growth areas.

(d) Because land use decisions made at the local level have an impact that expands beyond municipal boundaries, regional cooperation among local governments should be encouraged.

(e) The constitutional private property rights of Pennsylvanians must be preserved and respected.

(f) The Commonwealth will work to improve the understanding of the impact of land use decisions on the environmental, economic and social health of communities.

(g) Sustaining the economic and social vitality of Pennsylvania's communities must be a priority of State government.

(h) Infrastructure maintenance and improvement plans should be consistent with sound land use practices.

#### **§ 7.772. Responsibilities of Governor's Center for Local Government Services.**

To support the land use goals of the Commonwealth, the Governor's Center for Local Government Services (Center) is designated as the principal State entity responsible for land use assistance and monitoring. The Center is charged to:

(1) Develop an inventory of sound land use practices and make the inventory available to interested local governments and developers.

(2) Assist local governments seeking to implement the land use objectives of the Commonwealth.

(3) Advise local governments of the existing tools available to manage growth within their communities.

(4) Encourage local governments to cooperate with neighboring municipalities and the county when planning and zoning.

(5) Assist, in conjunction with the Governor's Green Government Council, other State agencies in identifying laws, regulations, practices or policies, including the disbursement of public funds, that will advance the Commonwealth's land use objectives.

(6) Partner with the Department of Education to identify opportunities for local education agencies to incorporate land use education into curricula.

(7) Work in conjunction with the Governor's Greenway Commission to support the incorporation of the Statewide Greenways Plan into local and regional land use planning strategies.

(8) Form an advisory committee that will help the Center develop and disseminate the inventory of sound land use practices.

(9) Report annually to the Governor on land use trends in this Commonwealth and make recommendations, if appropriate, regarding changes in law or policy to support the land use policy goals of the Commonwealth.

#### **§ 7.773. Community and Economic Development Enhancement Act.**

Consistent with Chapter 5 of the Community and Economic Development Enhancement Act (71 P. S. §§ 1709.501—1709.506), the Governor's Center for Local Government Services is authorized to have access to the information, services, functions and other resources in the possession of executive agencies under the Governor's jurisdiction deemed necessary to fulfill the responsibilities identified in this subchapter.

#### **§ 7.774. Green Government Council.**

The Governor's Green Government Council, as the environmental performance manager of State government operations, shall work within its purview to ensure that State agencies are acting consistently with the land use objectives of the administration in their operations, acquisitions and practices.

#### **§ 7.775. Geographic information system.**

The Department of Environmental Protection (Department) shall establish a Statewide geospatial data clearinghouse which would provide for the sharing of common geospatial data among State agencies and local governments. The Department shall use this clearinghouse to provide information to local governments on how land use decisions may impact air quality, water quality and quantity, soil erosion and other natural resources.

[Pa.B. Doc. No. 99-222. Filed for public inspection February 12, 1999, 9:00 a.m.]

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 82]

#### Changes to the Pennsylvania Continuing Legal Education Regulations

The Pennsylvania Continuing Legal Education Board approved the following changes to Pennsylvania's regulations for Continuing Legal Education, effective December 8, 1998.

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### CHAPTER 82. CONTINUING LEGAL EDUCATION

##### Subchapter B. CONTINUING LEGAL EDUCATION BOARD REGULATIONS

#### Section 12. Accreditation of a Single Course or CLE Activity.

A provider of CLE activities which has not qualified as an Accredited Continuing Legal Education Provider or a lawyer may apply for accreditation of a single CLE activity on a form provided by the Board. The Board may require submission of a detailed description of the provider, the course, the course materials and the lectures.

(a) Application for accreditation of a single CLE activity should be submitted prior to the date of presentation of the activity if possible. Application for retroactive approval must be made within **[ one (1) year ] two (2) years** of the date of presentation. CLE activities held before January 1, 1994 will not be approved.

\* \* \* \* \*

[Pa.B. Doc. No. 99-223. Filed for public inspection February 12, 1999, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### ADAMS COUNTY

#### Amendments to Local Rules; Administrative Order No. 5 of 1999

#### Order of Court

And Now, this 1st day of February, 1999, local rules of this court are amended by adding new Local Crim. Rules 4003, 4006.1 and 4010, and by modifying Local Civ. Rule 1303(a) by adding 1303(a)(1) and (a)(2). All adopted rules shall continuously be available for inspection in the offices of the Prothonotary and the Clerk of Courts. Copies may be purchased in the Prothonotary's Office for

\$5.00. If the Prothonotary mails the copy, the price shall be \$8.00. Certified copies of the rules, together with a 3.5 computer disk shall be provided as follows:

1. Seven (7) copies to the Administrative Office, Pennsylvania Courts.
2. Two copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. One copy of Amended Local Civ. Rules 1303(a)(1) and (a)(2) to the Civil Procedural Rules Committee.
4. One Copy of Local Crim. Rules 4003, 4006.1 and 4010 to the Criminal Rules Committee.

Public comment should be addressed to:

Adams County Court Administrator  
Adams County Courthouse  
111-117 Baltimore Street,  
Gettysburg, Pennsylvania 17325  
Telephone 717-337-9846;  
toll calls 1-888-337-9846.

New and amended rules shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

*By the Court*

OSCAR F. SPICER,  
*President Judge*

#### Amendments to Adams County Local Civil Rules

#### Rule 1303(a). Time, Date and Place of Hearing.

##### 1303(a)(1). Contents of Notice.

Notice, as required in Local Rule 1303(a), shall contain the following:

This matter will be heard by a board of arbitrators at the time, date and place specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by the judge.

##### 1303(a)(2). Hearing in the Absence of One or More Parties.

When the board is convened for hearing, and if one or more parties is not present, any party who is present may request the Court Administrator to arrange a hearing before a judge. The Court Administrator will attempt to schedule a hearing before a judge on the same date as scheduled for hearing before the board. Upon consent of all parties present and the judge before whom the hearing is scheduled, a judge shall hear the case and enter a decision.

#### Amendments to Adams County Local Criminal Rules

Local Criminal Rules are amended by adding three additional rules, as follows:

#### Rule 4003. Supervised Bail.

With or without a motion, and pursuant to local rules and Pa. R.Crim. P. 4003(2), 4006.1 and 4010, a judge or district justice may, in addition to setting regular bail, authorize supervised bail and impose conditions in accordance with Local Rules 4006.1 and 4010. Supervised bail shall be an alternative to regular bail, and shall

continue until revoked, rescinded or modified. The following conditions shall apply to supervised bail:

(a) The judge or district justice shall contemporaneously set regular bail.

(b) Supervised bail shall have the effect of suspending the need for posting regular bail for as long as defendant complies with the conditions of supervised bail, or until such time as the bail remains in effect. Nothing in this rule shall prevent the bail authority from modifying, rescinding or revoking such bail for sufficient reasons other than noncompliance, upon such notice as the judge or district justice deems appropriate. Defendant shall have the right to appear and contest rescission, modification or revocation.

(c) Unless regular bail has also been revoked, defendant shall have the right to post it when supervised bail has been revoked or rescinded.

(d) In order to be eligible for supervised bail, defendant must acknowledge in writing that he or she understands and consents to the conditions of supervised bail, including conditions relating to rescission, revocation and modification of such bail and being subject to immediate arrest without a warrant for violation of any bail condition. The form of the application, acknowledgement and consent shall explain that a violation may result in revocation of regular bail, as well, but until such revocation regular bail shall continue and defendant may post such bail until an order of revocation is entered by a judge or district justice.

(e) Any probation officer of this court who has reasonable cause to believe that defendant has breached or is breaching any condition of supervised bail shall have authority to declare supervised bail rescinded and to arrest defendant with or without a warrant.

(f) Upon arrest and/or rescission, defendant shall be committed to prison pending the posting of regular bail, or reinstatement of supervised bail by a judge or district justice.

(g) Defendant, the Commonwealth and the Adams County Probation Office shall each have the right to a hearing before a judge or, for cases pending before a district justice, a district justice. Defendant may request reinstatement of supervised bail, or modification of standard bail. Commonwealth and/or the Probation Office may request forfeiture of any monetary conditions of supervised bail and/or revocation of regular bail.

(h) Unless the obligation is suspended or modified by the bail authority, defendant shall be required to pay supervision fees established by administrative order. Until changed, fees are set at \$25.00 per month general supervision fee, and \$6.00 per day fee for electronic monitoring. Defendant may request an evaluation of his or her financial condition and a reduction or suspension of supervision fees. The bail authority may reduce the fee to reflect defendant's ability to pay, or suspend the obligation entirely. In either case, defendant shall be under a continuing obligation to keep the Probation Office informed of any changes in his or her employment status and/or financial condition.

(i) Forms as part of the Supervised Bail Program shall be adopted periodically in accordance with Local Rules of Criminal Procedure 4006.1 and 4010, by administrative order. Until changed, applications and orders setting bail shall be substantially in the form published as part of Local Rule 4006.1.

(j) A defendant, who has otherwise not been considered eligible for supervised bail, may request an order directing the Probation Office to assess his or her eligibility for supervised bail. Assessment will be made in accordance with Local Rule 4006.1, with recommendations submitted by the Probation Office to the judge designated by the President Judge, via the District Attorney. An application, acknowledgement and consent, signed by defendant, shall be attached to the recommendation.

#### **Rule 4006.1. Conditions of Supervised Bail.**

Nonmonetary conditions of bail shall be as established by Pa. R.Crim.P. 4006.1, this rule and Local Rule 4003. A bail supervision program is established. Procedures, protocol, forms and conditions of bail shall be as described by the program. Until changed by administrative order, description and scope of the program, protocol, procedure and conditions of bail shall conform to the following:

#### **Adams County Supervised Bail Program**

##### *Purpose*

The supervised bail program is meant to alleviate overcrowding in Adams County Prison by allowing qualified defendants to remain free on bail pending resolution of charges. The aim of the program is to ensure public safety and a defendant's appearance and compliance with conditions of his or her bail bond. The program is not intended as a rehabilitative tool, but rehabilitative conditions may be imposed when there is a substantial likelihood that:

(a) Conduct, which shall include substance abuse as well as particular mental or emotional states, which is addressed by particular rehabilitative conditions contributed to the charges, and

(b) Without intervention, such conduct is likely to continue and cause a violation of defendant's reporting requirements or other conditions of his or her bail bond.

##### *Goals and Objectives*

1. To maximize the release of defendants on bail by identifying defendants most likely to meet reporting requirements and conditions of bail bonds through supervision.

2. To help facilitate judicial decisions regarding bail by providing the issuing authority and/or Court with factual information about the defendant in a timely manner.

3. To monitor released pretrial arrestees who have been placed on the supervised bail program to ensure compliance with the conditions of release.

4. To establish a process that would increase the release of qualified defendants from the Adams County Prison pending resolution of charges.

5. To identify defendants with substance abuse problems, and when appropriate, to refer them to appropriate treatment facilities.

6. To promote defendant's accountability through community supervision and treatment.

7. To monitor defendants to ensure compliance with bail conditions.

8. To provide information regarding a defendant's compliance with conditions, treatment requirements and overall progress on the program when plea agreements are presented to the Court and/or as aids to sentencing.

9. To establish forms, protocol, procedure and reasonable rules and regulations to enable the Adams County

Probation Office to administer and operate a supervised bail program and to inform defendants of bail conditions and consequences of violations thereof.

10. To ensure public safety.

*Intake*

Intake procedure by the Probation Office involving supervised bail may be categorized as follows:

- Low risk supervision, where conditions are initially set by the bail authority, and defendant is immediately released subject to compliance with those conditions and an obligation to report to the Probation Office no later than 2:00 p.m. the following business day.
- Regular or more restrictive supervision, where the bail authority authorizes supervised bail, subject to establishment of conditions and execution of all necessary documents.
- The bail authority refers defendant to the Probation Office for assessment and recommendation of eligibility or non-eligibility for supervised bail.

Normally, judges and district justices should not authorize release on supervised bail prior to a defendant's referral to the Probation Office. Otherwise, a hiatus may occur in supervision. However, in exceptional cases, when the Probation Office is not open and when the judge or district justice determines that a defendant presents a low risk of violating conditions of the bail bond, a defendant may be released on supervised bail. All defendants shall be referred to the Probation Office for evaluation, execution of necessary papers and supervision, and that office shall assess and process the defendant.

If a judge or district justice admits a defendant into the program when the Probation Office is open, defendant shall be referred to the office before being released. When the office is closed, low risk defendants may be temporarily released, after signing all necessary acknowledgements, agreements and consents, on condition that he or she report to the Probation Office no later than 2:00 p.m. the next business day following release. In all cases, the Probation Office shall provide the District Attorney with an opportunity to comment upon bail and to request conditions.

Entitlement to supervised bail shall differ between low risk assessments and regular and more restrictive supervision as follows:

- (a) Low risk assessments: The Probation Office shall submit its assessment and recommendation to the District Attorney, who shall approve, disapprove or approve with additional conditions. The application will then be returned to the Probation Office and defendant given an opportunity to agree to additional conditions and/or a higher level of supervision. If defendant agrees, he or she shall sign necessary forms, which will be forwarded to a judge or district justice for entry of an order. If defendant does not agree, the matter shall be listed for hearing. Defendant shall remain on supervised bail in the interim.
- (b) Other assessments: The Probation Office shall follow the same procedure as in low risk cases. However, defendant shall not be entitled to supervised bail until he or she has either agreed to recommended or requested conditions, or after hearing.
- (c) A defendant may agree conditionally with conditions and level of supervision, while requesting a hearing to consider modification. In such case, defendant may be released on supervised pending consideration of the request for modification.

When defendant has been referred for an assessment, the Probation Office shall evaluate the defendant, confer with the District Attorney and promptly notify the referring judge or district justice of its recommendations. The report shall include: (a) when the bail authority has not yet authorized supervised bail, that defendant either be granted or denied supervised bail, and (b) when supervised bail is recommended or has been authorized, that a specific level of supervision and identified special conditions be imposed. If admission is recommended, defendant's signed application, acknowledgement and consent containing proposed conditions of supervision will be included. An order may then be entered releasing defendant on supervised bail. If defendant requests modification of any condition, a hearing shall be set.

No defendant shall be released on supervised bail until he or she has read, acknowledged understanding, agreed to comply with and signed supervised bail conditions and rules. Failure to do so will be deemed a rejection of supervised bail. The Probation Office shall promptly notify the appropriate judge or district justice of defendant's rejection, when the refusal occurs in the Probation Office.

District Justices shall notify the Probation Office by phone or fax when they have placed a low risk defendant on supervised bail. Copies of all orders and forms shall be promptly provided. Efforts should be made to avoid having defendants "just show up" at the Probation Office without the prior knowledge of that office. District Justices shall also promptly provide the Probation Office with copies of orders in all cases where supervised bail is authorized, or where assessments are ordered.

The Probation Office shall periodically review admissions to the Adams County Prison to determine if any prisoners may be eligible for supervised bail. A probation officer may contact the President Judge or appropriate district justice with pertinent information and recommendations. In appropriate cases, a probation officer may assist prisoners in preparing and submitting bail applications, acknowledgements and consents. The District Attorney shall be provided an opportunity to agree or object to supervised bail.

*Assessment and supervision levels*

The Probation Office shall assess defendants to determine the level of necessary supervision and, after input from the District Attorney, shall recommend a particular level and special conditions, if any, to the bail authority. Levels may subsequently be changed upon recommendation of the Probation Office and approval of the bail authority. When restrictions are decreased, defendant's consent shall not be required. When restrictions are increased, defendant must agree, after being notified that failure to agree will be considered a rejection and rescission of supervised bail.

Levels will generally conform to the degree of supervision provided defendants released on probation or parole. In assessments for purposes of recommending a particular level, the Probation Office shall consider bail factors listed in Pa. R.Crim.P. 4002, impressions garnered during interviews, and other factors as may be set forth in this document. The office shall recommend one of four levels, which are:

1. Low risk supervision
2. Regular supervision
3. Intensive supervision
4. House arrest, with or without electronic monitoring



### *Documentation*

The Probation Office shall maintain regular and appropriate records regarding defendant's supervision and compliance with bail conditions.

### *Initial field/home contact*

The initial home visit/field contact shall take place within 3 working days of receipt of the case. The purpose of this contact is to verify the residence, obtain a layout of the residence, verify all occupants of the residence, and determine whether the possibility exists that weapons or illegal contraband might exist within the residence and determine whether the residence is a suitable environment.

### *Collateral contacts*

Contact with local law enforcement authorities as well as treatment providers shall be encouraged in order to enhance the community supervision and monitoring of the defendant. Information shall be sought concerning adjustment in the community and compliance with bail conditions.

### *Standard conditions of supervision*

The following conditions, as set forth in Local Crim. Rule 1408, shall apply to all defendants. 1a. b.; 3a. b. c. d. e. f.; 4a. b. c.; 7a. c. d.; 8. Other conditions shall apply if specifically ordered. If defendant is under the age of 21, condition 1c shall apply.

### *Levels:*

#### *Low risk supervision*

This type of supervision will be ordered when a defendant presents a low risk of violating bail conditions and does not pose a threat to the community, but regular bail without monetary conditions may not guarantee defendant's required appearances, and defendant is unable to post such regular bail. Defendants under the age of 21 shall be subject to special condition 1c. Typically, defendant shall be required to report frequently by telephone and to periodically appear either at the Probation Office or to a local police department. Defendant shall be required to submit to random tests of blood, breath or urine to detect the presence of controlled substances and to pay a \$10.00 test fee. The right to travel beyond a 150-mile radius of the Adams County Courthouse shall be subject to at least ten days prior notice to the Probation Office. When travel is beyond the Commonwealth of Pennsylvania, the Probation Office shall notify defendant within three working days if it forbids, or approves such travel with conditions. In this event, defendant may seek approval from the bail authority.

Notice given orally to defendant shall suffice.

#### *Regular Supervision Requirements*

This type of supervision will be ordered when defendant presents a moderate risk of non-compliance and will typically conform to supervision provided persons released on probation or parole for non-violent crimes, which are relatively minor in nature. Some felonies, such as forgery, may be included and some misdemeanors, such as indecent assault, may be excluded. Simple assaults may be included, depending upon the circumstances. Gradation of the offense shall not, in itself, be dispositive. Reporting requirements may not significantly differ from low risk supervision, but other conditions, such as prohibition of alcohol consumption, and drug and alcohol assessment may be added. The following are additional considerations:

- minimal or no prior delinquent or criminal history
- some history of mental or emotional disorders or drug/alcohol abuse but no present indications of such issues
- defendant has responded favorably to previous supervision
- defendant is employed or provides care for children

#### *Regular supervision contact requirements:*

There will be bi-weekly personal contact with the defendant. Telephone contact shall occur on a more frequent basis, as needed. Contact may either be with the Probation Office or a local police department, if authorized by court order or by the Probation Office.

The Probation Office shall conduct a minimum of one curfew check weekly and one home visit per month.

If bail conditions prohibit consumption of alcoholic beverages, defendant must pay a test fee and submit to random tests of his or her blood, breath or urine to detect the presence of controlled substances and/or alcohol. Test indication of the presence of alcohol or illegal controlled substances shall be grounds for rescission of supervised bail. Defendant may be ordered to undergo a drug and alcohol assessment/evaluation to determine the need for appropriate treatment and to participate in recommended treatment. Standard conditions hereinafter recited shall be modified as follows:

*Curfew*—11:00 p.m.—6:00 a.m., unless special permission granted by Probation Officer or defendant is working at approved employment.

*Travel limitations*—Unless specifically more restricted, a defendant may travel freely within a one hundred fifty-mile radius within Pennsylvania and no approval is necessary. Defendant must have the bail authority or a Probation Officer's permission to travel outside the one hundred and fifty-mile radius or to leave the Commonwealth.

*Employment/Education/Training*—If employed, must maintain employment. If unemployed, and if health permits, defendant must actively seek employment. The Probation Officer may require completion and weekly submission of job search. Defendant must continue schooling and/or job training if enrolled.

#### *Special conditions of supervision*

The following criteria shall be considered in determining whether 1 c. d. e; 2 b. d., which relate to consumption of alcoholic beverages, counseling and evaluation, should be imposed are:

- defendant has a history of criminal involvement with alcohol or controlled substances, such as a prior DUI conviction.
- police information indicates that alcohol or drug consumption was involved in the crime charged. This factor includes indications that defendant may have committed the crime while under the influence or was motivated by a desire to procure controlled substances and/or alcoholic beverages, or that the crime involves the use of controlled substances.
- defendant is charged with DUI and his or her blood alcohol concentration was .20 percent or greater.
- defendant has indicated symptoms of mental or emotional impairment, such as disorientation, confusion, incoherence, or inability to focus, think and speak rationally.

*Intensive supervision*

All conditions of regular supervision, except as changed or modified by more restrictive conditions, shall apply to intensive supervision.

The following may be considered in determining whether defendant's bail should be intensively supervised:

- crimes which involve possible classification as a dangerous offender or violent sexual predator.
- the victim of the alleged crime is a child, or someone to whom defendant has convenient access, or whom defendant may have previously harassed, stalked or threatened.
- defendant has a significant history of delinquent and/or criminal behavior.
- defendant has a history of mental/emotional disorders or displays chronic alcohol or drug abuse.
- defendant did not comply with less restrictive conditions of the bail supervision.
- the Probation Officer's experience with the defendant or his or her prior criminal history gives the officer reasonable grounds to believe that more restrictive supervision is necessary.

The Probation Office shall maintain one face to face contact, either in the office or community setting, and one collateral contact weekly with the defendant. [Collateral contact is communication with the defendant by the telephone or communication in some manner with another person having regular contact with defendant, such as a local law enforcement officer, treatment specialist/provider, family member, etc.] The probation officer shall conduct a minimum of one curfew check per week as well as a minimum of two home visits per month on defendant.

The following restrictions shall apply:

*Drug testing/breathalyzer*—minimum of one Breathalyzer and one urinalysis test per week. Random testing as deemed appropriate by the Pretrial Officer

*Curfew*—10:00 p.m.—6:00 a.m. Sunday through Thursday unless working at approved employment

11:00 p.m.—6:00 a.m. Friday and Saturday unless working at approved employment

*Travel limitations*—Within County—unrestricted travel—No approval necessary.

Outside County—Must have Probation Officer's permission.

*Employment/Education/Training*—Must maintain employment. If unemployed, and if physically able, must actively seek employment and complete job search forms. [Minimum of one per week] Must continue schooling if enrolled in school and continue educational pursuits as appropriate.

If ordered, the following condition will apply:

*Evaluation and treatment Services*—Defendant will undergo a drug and alcohol and/or mental health evaluation to determine the need for appropriate treatment, and shall follow the recommendations resulting from the evaluation.

*House arrest*

House arrest, with or without electronic monitoring is the most restrictive form of supervised bail. All conditions of restrictive supervision shall apply, as modified by more

restrictive conditions. Defendant shall be confined to his or her residence and shall not be permitted to leave except for purposes and at such times as specifically authorized by the Probation Office. Defendant must keep the Probation Office informed of his or her whereabouts at all times.

House arrest may be ordered when charges involve serious crimes, where defendant has failed to comply with less restrictive conditions, or presents a threat to commit other crimes or to abscond. It involves situations where supervised bail would not normally be considered, but defendant's employment or family situation provides a degree of assurance that defendant will comply with conditions of his bail. It may also be ordered when defendant's trial has been delayed, and regular bail imposes a financial hardship on defendant and/or his family.

*Forms*

Until changed by administrative order, the following forms are adopted.

**APPLICATION, ACKNOWLEDGEMENT AND CONSENT**

I hereby apply for release on supervised bail. I agree to pay fees associated with the Supervised Bail Program. I understand that I will be subject to supervision by Adams County Probation Office. I acknowledge that conditions of supervised bail have been explained to me and that I understand them. I also understand that additional conditions may be imposed in the future, and agree to comply with all conditions. I understand that if I refuse to agree to additional conditions or an increase in my supervision level, supervised bail may be rescinded and I shall be subject to imprisonment until I have posted regular bail.

I further acknowledge specific understanding of the following:

- If an Adams County Probation Officer has reasonable grounds to believe that I have violated conditions of supervised bail, the officer has absolute authority to declare supervised bail rescinded and to arrest and commit me to prison.
- If this happens, I have the right to post regular bail that has been set in addition to supervised bail, and to request a hearing to ask that the rescission be set aside, or that regular bail be modified or changed.
- The Probation Officer may also request a hearing to ask that monetary conditions of my supervised bail be forfeited, and/or that both supervised and regular bail be revoked.

• Conditions of supervised bail shall include conditions of probation and parole, 1a. b.; 3a. b. c. d. e. f; 4a. b. c.; 7a. c. d.; 8; and \_\_\_\_\_

I agree to comply with all conditions of supervised bail, including conditions of my bail bond.

I also agree:

1. To cooperate with the Probation Office at all times, and agree to follow all orders given by any probation officer. I will appear before the issuing authority or Court at all required times until full and final disposition of the criminal proceedings in this case.

2. I understand that my regular bail is set at \$ \_\_\_\_\_, and that I have the right to post regular bail, until and unless it is revoked.

3. If conditions 2b. or 2d. are included as conditions, I agree to cooperate in obtaining an evaluation and assess-

ment, and if directed by the Probation Office, to participate in any treatment program [drug, alcohol or mental health program], educational program, psychiatric counseling, life skills programming, AA, NA or any other "Treatment" Program deemed appropriate by the Probation Officer during the period I am under supervision. I will follow all directives and recommendations made by the treatment and/or program provider. I understand that failure to complete a recommended "Treatment" Program or refusal to abide by the conditions of the program is a violation of my bail conditions and will result in rescission of supervised bail and my incarceration in the Adams County Prison until I post regular bail.

4. I agree to sign all appropriate "Release of Information" forms allowing the Probation Officer access to the "Treatment Program" information necessary to monitor my progress and compliance with all program conditions.

5. I agree to maintain my residence at \_\_\_\_\_, Phone # \_\_\_\_\_ and will not change my residence without the prior written permission of the Probation Office I understand that I am not permitted to reside with or have any contact in any manner with non-family members who codefendants, victims, persons on probation or parole or any person with a known criminal record.

6. I authorize the Adams County Adult Probation Department to search my person, property and/or residence at any time with or without a search warrant for the period I am on the supervise bail. Any items the possession of which constitute a violation of the bail supervision rules/conditions and/or bail/bond conditions may be seized and used as evidence before the Court in the Bail revocation process.

7. I agree that I may not own, possess, use, carry, or transport any firearm or deadly weapon or instrument while on the supervised bail.

8a. ☐ I understand that I may not leave the Commonwealth of Pennsylvania, or travel beyond \_\_\_\_\_ (insert a or b: a. 150 miles from Adams County; b. Adams County) without prior permission of the Probation Office.

8b. ☐ I understand that I may not travel beyond 150 miles from Gettysburg without giving the Probation Office at least 10 days advance notice. I understand the office shall have three working days to decide whether to impose conditions or forbid me from traveling beyond 150 miles from Gettysburg. In this event, I may ask a judge or district justice for a ruling.

9. I understand that condition 3a. requires me to comply with all municipal, county, state and Federal

laws; and to live as a law-abiding citizen while on supervised bail. I understand that condition 3b. requires me to notify the Probation Office within 48 hours of receiving a criminal summons or citation, or of any arrest.

10. I understand that I am not permitted to associate or have any type of contact with any person with a criminal record without the prior approval of the Probation Office.

11. If condition 1c. is included as a condition of my supervised bail, I understand that I may not consume beverages containing alcohol. If 1e. is included, I may not consume alcoholic beverages without permission of the Probation Office.

12. I understand I must refrain from the unlawful possession, use, or distribution of illegal drugs and controlled substances.

13. If condition 1d. is included as a condition of my supervised bail, that without prior approval of the Probation Office I am not permitted to be present in any establishment that serves alcoholic beverages.

14. I agree to submit to blood, breath, or urinalysis testing at any time. Any positive results indicating the presence of a prohibited drug, drug metabolites, and/or a non-prescribed drug and/or alcohol (if I am subject to condition 1c. or 1e. shall be a violation of supervised bail and will result in rescission of supervised bail and incarceration in the Adams County Prison. I understand that I will be given two [2] hours to produce a urine specimen of sufficient quantity for testing. Failure to produce a specimen of sufficient quantity and quality for laboratory testing within that time will be deemed a violation of supervised bail and can also result in my incarceration in the Adams County Prison.

15. I agree to comply with a curfew of \_\_\_\_\_ as imposed by the Probation Officer. During this period, I must live at the approved residence at all times.

16. I agree to pay fees as ordered, which are: ☐ \$25.00 per month supervision fee; ☐ an electronic monitoring fee of \$6.00 per day; or ☐ \$ \_\_\_\_\_.

17. I agree to sign a form waiving my rights to formal extradition, and/or the right to be produced before a judicial officer should I be arrested within another jurisdiction.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Probation Officer

### Form of Order (Caption)

And now, \_\_\_\_\_, 19 \_\_, bail is set in the sum of \$ \_\_\_\_\_. Cash percentage bail ☐ is ☐ is not available. Bail shall be subject to requirements of local and state rules of Court and law, and the following special conditions (if none, write none):

A copy of this order shall be provided defendant, Adams County Prison and the Adams County Probation Office.

The following apply, if checked:

- ☐ Defendant is released on supervised bail, subject to conditions in his application, acknowledgement and consent and subject further to his appearance at Adams County Probation Office no later than 2:00 p.m. on \_\_\_\_\_.
- ☐ Defendant is notified that he/she may be required to agree to additional conditions after assessment by the Probation Office, in order for supervised bail to continue.

☐ Defendant may be released on supervised bail after arrangements and proper paper work are completed with the Probation Office, and defendant has signed all necessary forms.

☐ Defendant is referred to the Probation Office for evaluation and recommendation of eligibility for supervised bail.

☐ Defendant's obligation to post regular bail as a condition of release ☐ *is*: ☐ *shall upon execution of all forms be*, suspended and defendant may be released on alternative supervised bail for as long as defendant complies with conditions of supervised bail, and/or until such bail is rescinded, modified, or revoked. Supervised bail shall be subject to conditions of law, state and local rules of Court, as well as all other conditions incorporated in defendant's application, acknowledgement and consent. In addition, supervised bail shall be subject to the following conditions, as checked:

☐ ROR ☐ monetary condition in the sum of \$ \_\_\_\_\_, with cash percentage bail ☐ *available* ☐ *not available*;

☐ Special conditions: \_\_\_\_\_ ☐ payment by defendant of a supervision or monitoring fee of \$ \_\_\_\_\_ per \_\_\_\_\_.

☐ defendant shall be under a continuing obligation to keep the Probation Officer informed of his employment and financial status.

☐ house arrest

☐ electronic monitoring

Any probation officer having reasonable cause to believe that defendant has violated any condition of supervised bail may declare supervised bail to be rescinded and arrest defendant with or without a warrant. Upon arrest, defendant shall be committed to prison pending the posting of regular bail. The probation officer shall promptly file a notice of rescission and arrest with the appropriate court or district justice office and may request revocation of supervised and regular bail, as well as forfeiture of monetary conditions of supervised bail.

Defendant may request that supervised bail be reinstated or that regular bail be modified.

By the Court,

\_\_\_\_\_  
Judge or District Justice

### Order of Referral

(to be used when a request for supervised bail  
is submitted after bail has been set)

### Caption

And now, \_\_\_\_\_, upon motion of the defendant, the request for supervised bail is referred to the Probation Office. That office shall evaluate defendant, explain the contents of the application, acknowledgment and consent, and when defendant has signed that form, submit a recommendation to this court via the District Attorney, with the form attached.

By the Court,

\_\_\_\_\_  
Judge

### Notice of Rescission and Order

### Caption

To the defendant:

Your supervised bail has been rescinded and you are subject to imprisonment until you have posted regular bail or until supervised bail is reinstated. You have the right to post regular bail unless and until that bail is revoked by the bail authority. Both you and the Probation Office have the right to demand a hearing. You may either demand that hearing immediately, or file your request promptly with either the court or district justice. Promptness will be determined in light of all circumstances, but generally requires filing within ten days. You may request that supervised bail be reinstated and/or that regular bail be modified or changed. The Probation Office may request that regular bail be revoked and/or that any monetary conditions of your supervised bail be forfeited.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Probation Officer

I acknowledge receipt of this notice. I ☐ *do* ☐ *do not* request a hearing.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Defendant

### Order

And Now, \_\_\_\_\_, a hearing is scheduled for \_\_\_\_\_, in a courtroom to be designated. The Probation Office shall notify all interested persons.

By the Court,

\_\_\_\_\_  
Judge

Forms for internal use may be adopted by the Probation Office at any time.

### Probation Office Report

- ☐ Defendant has signed all necessary papers and has been released on supervised bail.
- ☐ Defendant has signed all necessary papers and has been released on supervised bail.
- ☐ Defendant has either not agreed to all conditions, has not signed all necessary papers, or has not appeared as directed by order and supervised bail has been rescinded.
- ☐ The Probation Office recommends that special conditions \_\_\_\_\_ be added before defendant is released on supervised bail. Defendant ☐ has ☐ has not agreed to additional conditions.
- (The next items to be checked when defendant has been referred to the Probation Office for evaluation and recommendation.)
- ☐ The Probation Office recommends that defendant be considered eligible for supervised bail subject to standard conditions of the supervised bail program and additional conditions \_\_\_\_\_.
- ☐ The Probation Office recommends that defendant be considered ineligible for supervised bail.

Dated: \_\_\_\_\_ Probation Officer

### District Attorney's Acknowledgment (In all cases)

I acknowledge that I have received notice of defendant's supervised bail status. (For referral cases only) ☐ I acquiesce in supervised bail ☐ I oppose supervised bail ☐ I do not oppose supervised bail if condition(s) \_\_\_\_\_ are added.

Dated: \_\_\_\_\_ District Attorney

If defendant conditionally agrees to conditions and level of supervision and requests a hearing, check here ☐ and sign.  
Dated: \_\_\_\_\_

### Order (after referral) caption

AND NOW,

The following apply, if checked:

- ☐ Defendant's request for supervised bail is denied.
- ☐ Defendant may be released on supervised bail subject to conditions in the application, acknowledgment and consent.
- ☐ Defendant's obligation to post regular bail as a condition of release ☐ is; ☐ shall upon execution of all forms be, suspended and defendant may be released on alternative supervised bail for as long as defendant complies with conditions of supervised bail, and/or until such bail is rescinded, modified, or revoked. Supervised bail shall be subject to conditions of law, state and local rules of Court, as well as all other conditions incorporated in defendant's application, acknowledgement and consent. In addition, supervised bail shall be subject to the following conditions, as checked:
- ☐ ROR ☐ monetary condition in the sum of \$ \_\_\_\_\_, with cash percentage bail ☐ available ☐ not available;
- ☐ Special conditions: \_\_\_\_\_ ☐ payment by defendant
- of a supervision or monitoring fee of \$ \_\_\_\_\_ per \_\_\_\_\_.
- ☐ defendant shall be under a continuing obligation to keep the Probation Officer informed of his employment and financial status.
- ☐ house arrest
- ☐ electronic monitoring

Any probation officer having reasonable cause to believe that defendant has violated any condition of supervised bail may declare supervised bail to be rescinded and arrest defendant with or without a warrant. Upon arrest, defendant shall be committed to prison pending the posting of regular bail. The probation officer shall promptly file a notice of rescission and arrest with the appropriate court or district justice office and may request revocation of supervised and regular bail, as well as forfeiture of monetary conditions of supervised bail. Defendant may request that supervised bail be reinstated or that regular bail be modified.

By the Court,

\_\_\_\_\_  
Judge

**Rule 4010. Bail Agency.**

For purposes of administering the supervised bail program, the Adams County Probation Office is designated as the bail agency for this court.

*BAIL ASSESSMENT***Part I. To be completed by the Probation Office**

Defendant's name: \_\_\_\_\_

CC Number: \_\_\_\_\_

Charges: \_\_\_\_\_

Prior Record, if known: \_\_\_\_\_

**Part II. To be completed by Defendant**

1. State your address: \_\_\_\_\_  
Street

City State Zip

2. State your telephone number: ( ) \_\_\_\_\_

3. Where do you work? \_\_\_\_\_

4. How long have you worked there? \_\_\_\_\_

5. What is your take home pay? \_\_\_\_\_

6. Name the persons who are dependent upon you for support:

NAME AGE RELATIONSHIP ADDRESS (If the same as yours, write same)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. State your marital and living status: ☐ married, living with spouse;  
☐ married, but separated; ☐ divorced; ☐ living with girl or boyfriend.

8. Prior employment within 5 years:

Employers name Period of employment Reason for termination

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Do you ☐ own your own home; ☐ rent a home or apartment;  
☐ live with a friend

10. Do you have family members or a girl or boyfriend living in Adams County? ☐ Yes; ☐ No

State names and relationship: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

11. Have you ever been treated or sought counseling or other treatment for a mental or emotional illness or problem?

☐ Yes; ☐ No; If yes, when and by whom: \_\_\_\_\_

Or for drug dependency? ☐ Yes; ☐ No; If yes, when and by whom: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

12. Do you consume alcoholic beverages? ☐ Yes; ☐ No  
If so ☐ beer; ☐ wine; ☐ whiskey How many drinks per day? \_\_\_\_\_

12a. Do you use non prescribed controlled substances? ☐ Yes; ☐ No;

☐ Declined; If yes, what substance? \_\_\_\_\_

13. Have you ever missed work because of alcohol consumption?

☐ Yes; ☐ No; Have you been counseled or treated for alcohol abuse? ☐ Yes; ☐ No; If yes, when and by whom: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

14. Have you ever been convicted of an alcohol or drug related crime?

☐ Yes; ☐ No; if yes, when and where: \_\_\_\_\_

15. Have you ever been released on bail before? ☐ Yes; ☐ No

If yes, when and where: \_\_\_\_\_

16. Have you ever failed to appear as directed or ordered in a criminal case?

If yes, was a bench warrant issued for your arrest? ☐ Yes; ☐ No

If yes, what happened: \_\_\_\_\_

17. Describe any real estate you own in the State of Pennsylvania:

<i>Location</i>	<i>Use</i>	<i>Your equity (value less liens)</i>
_____		
_____		

18. Describe any checking or bank accounts you own:

<i>Bank</i>	<i>Address</i>	<i>Type</i>	<i>Balance</i>
_____			
_____			

19. State stocks, bonds, notes you own:

<i>Stocks, bonds, CD, or note(s)</i>	<i>Where</i>	<i>Value</i>
_____		
_____		

*To be signed by defendant:*

I understand that any false statements made herein and which I do not believe are true, are subject to punishment by law in accordance with 18 Pa.C.S.A. § 4904.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant

*For Probation Office Use:*

Probation Officer's Name: \_\_\_\_\_

List questionable answers or those believed to be untrue. \_\_\_\_\_

Supervised bail ☐ Is; ☐ Is not recommended.

\_\_\_\_\_  
Probation Officer

[Pa.B. Doc. No. 99-224. Filed for public inspection February 12, 1999, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 61 AND 75]

#### Delaware River Estuary; Endangered, Threatened and Candidate Species

The Fish and Boat Commission (Commission) by this order amends § 61.2 (relating to Delaware River and River Estuary). The Commission is publishing this amendment under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendment concerns fishing.

##### A. *Effective Date*

This amendment will go into effect upon publication of an order adopting the regulation.

##### B. *Contact Person*

For further information on the amendment, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This final rulemaking is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

##### C. *Statutory Authority*

This amendment is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

##### D. *Purpose and Background*

The amendment is designed to update, modify and improve Commission regulations pertaining to fishing. The specific purpose of the amendment is described in more detail under the summary of changes.

##### E. *Summary of Changes*

*Section 61.2 (relating to Delaware River and River Estuary).* There is a several hundred foot section of the Lehigh River between the Easton dam and the confluence with the Delaware River where a change in regulations is warranted. Differing seasons, sizes and creel limits on the Delaware River versus the Lehigh River have complicated enforcement of the regulations. The two major problems are with walleye and striped bass where the minimum sizes and creel limits differ. Individuals are catching fish in the Delaware River, which has larger minimum size requirements than the Lehigh River, and are claiming that they caught these fish in that short section of the Lehigh River. To provide uniformity for the enforcement officers as well as the angling public, the Commission has amended this section so that the existing Delaware River sizes, seasons and creel limits for all species of fish apply also to this short section of the Lehigh River.

(2) *Sections 75.1—75.3 (relating to endangered species; and threatened species; and candidate species).* As part of its proposed rulemaking package, the Commission also proposed changes to §§ 75.1—75.3. However, the Commission voted to extend the public comment period for these proposed amendments until March 15, 1999, and to schedule a public meeting/hearing so that additional

public input may be sought. The Commission will consider these amendments on final rulemaking at a later date. In addition, the Commission will solicit public comments on a separate notice of proposed rulemaking containing additional changes to the lists set forth in these sections.

##### F. *Paperwork*

The amendment will not increase paperwork and will create no new paperwork requirements.

##### G. *Fiscal Impact*

The amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The amendment will impose no new direct costs on the private sector or the general public.

##### H. *Public Involvement*

A notice of proposed rulemaking containing the proposed amendment was published at 28 Pa.B. 3591 (August 1, 1998). The Commission did not receive any public comments regarding the change to § 61.2.

##### *Findings*

The Commission finds that:

(1) Public notice of intention to adopt the amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and that no comments were received regarding the amendment to § 61.2.

(3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

##### *Order*

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 61, are amended by amending § 61.2 to read as set forth at 28 Pa.B. 3591.

(b) The Executive Director will submit this order and 28 Pa.B. 3591 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 28 Pa.B. 3591 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

PETER A. COLANGELO,  
Executive Director

**Fiscal Note:** 48A-82. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 99-225. Filed for public inspection February 12, 1999, 9:00 a.m.]



# PROPOSED RULEMAKING

## DEPARTMENT OF HEALTH

[28 PA. CODE CH. 18]

### Public Swimming and Bathing Places

The Department of Health (Department) proposes to amend Chapter 18 (relating to public swimming and bathing places) by adding definitions for "certified lifeguard" and "recreational swimming establishment" in § 18.1 (relating to definitions), and by amending § 18.42 (relating to lifeguards). The Department also proposes to include in § 18.42 the requirements for lifeguard certification and the factors to be considered in determining adequate lifeguard coverage.

#### A. Purpose

The Department is directed by the act of June 18, 1998 (P. L. 531, No. 75) (Act 75), amending the Public Bathing Law (35 P. S. §§ 672—680d) to determine appropriate authorities to certify lifeguards and to promulgate regulations to determine the number of lifeguards required at a recreational swimming establishment when the recreational swimming establishment is open to the public. The Department is to promulgate these regulations in consultation with approved certifying authorities and recreational swimming establishments.

The lifeguard requirements of Act 75 and the proposed amendments are intended to enhance public safety by requiring adequate lifeguard coverage at certain types of swimming facilities and by setting forth requirements for the certification of lifeguards. The regulation currently appearing in § 18.42, requiring lifeguard coverage for public bathing places, was struck by the Pennsylvania Supreme Court in 1990 as exceeding the promulgating agency's regulatory authority. *Spooner v. Secretary of Commonwealth*, 574 A.2d 600 (Pa. 1990). The act of June 28, 1995 (P. L. 89, No. 18), the Conservation and Natural Resources Act (71 P. S. §§ 1340.101—1340.1103), which dismantled the former Department of Environmental Resources and transferred certain powers and duties to other agencies, also required the Department to again administer the Public Bathing Law.

Act 75 granted authority to the Department to ensure that there is an adequate number of certified lifeguards at certain swimming establishments. The application of the proposed lifeguard requirements is limited to "recreational swimming establishments" as defined in Act 75. Two major limitations of Act 75's application are that the swimming establishment must be open to the public and charge a fee for admission. The Department therefore proposes to amend § 18.42 to delete the inoperative language and to add language which corresponds to the requirements of Act 75.

The Department conducted a stakeholder meeting on October 1, 1998, to consult with representatives of lifeguard certifying authorities and recreational swimming establishments on the development of regulations relating to the lifeguard requirements of Act 75. Information and suggestions provided by stakeholders have been included in these proposed amendments.

#### B. Requirements

##### § 18.1 Definitions

A "certified lifeguard" is defined in Act 75 as an individual who has a current certificate in lifeguarding

from a certifying authority recognized by the Department in a notice published in the *Pennsylvania Bulletin*. The Department proposes to add the statutory definition to this section.

A "recreational swimming establishment" is defined in Act 75 as:

A facility that is designed, constructed, and/or designated for use by individuals for the primary purpose of swimming, where a fee is charged for admission. This definition includes, but is not limited to, swimming pools, water rides, wave pools, swimming beaches and other outdoor swimming facilities. The term excludes those facilities owned by condominiums, other property owner associations, rental arrangements which include three or more families or social units, hotels or motels, campgrounds, private clubs and private organizations which do not provide access to the general public, swimming facilities used exclusively for hydrotherapy and residential swimming facilities used solely by the owner of a residence, his family and personal guests. 35 P. S. § 673

Since this definition enables a swimming establishment to change its status based upon whether a fee is charged, and since the amendment to section 4.1(a) of the Public Bathing Law (35 P. S. § 675.1(a)) requires only that an adequate number of certified lifeguards shall be on duty at a recreational swimming facility when it is "open to the public," the Department is proposing the following addition to the statutory definition of a "recreational swimming establishment:"

When a facility otherwise excluded by this definition provides access to the general public and charges a fee for admission, it shall be considered a recreational swimming establishment.

This addition anticipates a situation in which a facility (for example, hotel, motel) which is typically excluded from the definition of a recreational swimming establishment, is operating for a time in a manner which renders it a recreational swimming establishment subject to the requirements of Act 75.

##### § 18.42 Lifeguards

The Department proposes to change the title of this section to "certified lifeguards" to reflect the Act 75 directive. Current subsections (a) and (b) would be replaced with new subsections (a) and (b).

*Subsection (a) recognized lifeguard certifying authorities.*

This subsection proposes criteria that would require a lifeguarding course of a lifeguarding certifying authority for that certifying authority to be recognized by the Department. The criteria are based on Nationally-recognized lifeguard certifying authority standards.

*Subsection (b) facilities requiring lifeguards.*

This subsection would provide the Department's criteria for determining that an adequate number of certified lifeguards are on duty at a recreational swimming establishment to protect the safety of the public when that establishment is in operation. Traditionally, the number of lifeguards required at public bathing places under National standards has been based upon the surface area of the facility, user load (number of swimmers in the pool), or a combination of both. This approach to deter-

mining an adequate number of lifeguards at a given facility does not take into consideration the proliferation of uniquely designed pools and types of facilities (for example, wave pools).

A number of Nationally-recognized lifeguard certifying authorities (for example, The American Red Cross, YMCA, Ellis and Associates, Inc.) have addressed the need for adequate lifeguard coverage by recognizing that each facility is different and that any attempt to protect user safety must account for individual facility size, design and utilization. Furthermore, while it is important to have an adequate number of lifeguards, swimmers' safety is further protected when those lifeguards have been trained and situated so they can visually monitor, detect, react and reach a victim within an acceptable amount of time. This subsection would incorporate current certifying authority standards for ensuring adequate lifeguard coverage.

#### C. Who is Affected by the Proposed Amendments

The proposed amendments requiring adequate coverage by certified lifeguards at recreational swimming establishments would affect swimming and bathing facilities when they are open for use by the general public and a fee is charged for admission. These establishments include, water parks, municipal pools, State park pools and natatoria. The proposed amendments would affect establishments which do not usually meet the statutory definition of a recreational swimming establishment (for example, hotels or motels) but may on occasion operate as a recreational swimming establishment when that facility is open to the general public and charges a fee for admission. The proposed amendments would also enhance the safety of the public when it uses recreational swimming establishments.

#### D. Cost and Paperwork Estimates

These proposed amendments are projected to have little fiscal impact on the Commonwealth, local government, the private sector and the general public. Most recreational swimming establishments, as defined by Act 75, currently employ lifeguards to protect the safety of their patrons. Facilities which comply with these regulations may derive a benefit from lower liability insurance rates which may offset potential costs incurred. The proposed amendments will not significantly increase paperwork.

#### E. Effective Date/Sunset Date

These proposed amendments will be effective immediately upon final adoption. There is no sunset date.

#### F. Statutory Authority

The amendments are proposed under Act 75. Act 75 requires that the Department determine appropriate authorities to certify lifeguards and promulgate regulations to determine the number of lifeguards required at a recreational swimming establishment.

#### G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department will submit a copy of the proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. In addition to submitting the proposed amendments, the Department will provide IRRC and the Committees with a copy of a Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1,

"Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendments, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the amendments, by the Department, the General Assembly and the Governor, of objections raised.

#### H. Contact Person

Interested persons are invited to submit all comments, suggestions or objections regarding the proposal to William M. Williams, Environmental Health Administrator, Bureau of Community Health Systems, Room 628, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-4366 within 30 days after publication of this proposal in the *Pennsylvania Bulletin*. A person with a disability may submit comments, suggestions or objections regarding the proposed amendments to William Williams in alternative formats, such as audiotape, braille or V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT]. A person with a disability may request an alternative format of this document by contacting William Williams so that he may make the necessary arrangements.

GARY L. GURIAN,  
*Acting Secretary*

**Fiscal Note:** 10-155. No fiscal impact; (8) recommends adoption.

### Annex A

## TITLE 28. HEALTH AND SAFETY

### PART II. LOCAL HEALTH

## CHAPTER 18. PUBLIC SWIMMING AND BATHING FACILITIES

### GENERAL PROVISIONS

#### § 18.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

**Certified lifeguard**—An individual who has a current certificate in lifeguarding, from a lifeguard certifying authority, as recognized by the Department in a notice published yearly in the *Pennsylvania Bulletin*.

\* \* \* \* \*

**Recreational swimming establishment**—A facility that is designed, constructed or designated for use by individuals for the primary purpose of swimming, if a fee is charged for admission. The term includes swimming pools, water rides, wave pools and swimming beaches and other outdoor swimming facilities. The term excludes those facilities owned by condominiums, other property owner associations, rental arrangements which include three or more families or social units, hotels or motels, campgrounds, private clubs and private organizations which do not provide access to the general public, swimming facilities used exclusively for hydrotherapy, and residential swimming facil-

ities used solely by the owner of a residence, the owner's family and personal guests. When a facility otherwise excluded by this definition provides access to the general public and charges a fee for admission, it shall be considered a recreational swimming establishment.

\* \* \* \* \*

#### GENERAL SAFETY

##### § 18.42. Certified [ Lifeguards ] lifeguards.

(a) [ *Number.* One or more competent lifeguards in adequate number shall be on duty at the water-side at all times the public bathing place is open to use by bathers, and may not be assigned other tasks which will divert attention from the safety of the bather.

(b) *Qualifications.* Lifeguards shall be capable swimmers, skilled in lifesaving methods and in methods of artificial resuscitation as evidenced by the possession of a currently valid certificate or other proof of proficiency from a recognized agency offering instructions in these fields. ]

*Recognized lifeguard certifying authorities.* The Department will recognize a lifeguard certifying authority if the certifying authority's lifeguard training course satisfies the following requirements:

(1) The course is conducted pursuant to a written training plan, instructors' manual and textbook.

(2) It provides for instruction in cardiopulmonary resuscitation.

(3) It provides for instruction in first aid.

(4) It includes a system for evaluating swimming ability.

(5) It provides for instruction in lifeguarding responsibilities and pool operation.

(6) It provides a method for testing and certification.

(7) It includes a certificate which expires if renewal criteria are not satisfied.

(8) Its instructors have completed an approved lifeguard instructors' certification program.

(9) Upon successful completion of the course, the names of certified individuals are entered into an accessible information system.

(b) *Required number of lifeguards.* A recreational swimming establishment shall have on duty an adequate number of certified lifeguards to protect the safety of users. To ensure an adequate number of certified lifeguards, the operator of a recreational swimming establishment shall:

(1) Develop, write and adhere to a lifeguard coverage plan for the recreational swimming establishment incorporating the standards of a Department-recognized lifeguard certifying authority which specifies how the recreational swimming establishment shall provide an adequate number of certified lifeguards at relevant times. This plan shall be posted in an area commonly utilized by lifeguard staff and shall be available to the Department and any member of the public upon request.

(2) Consider facility size, design and utilization.

(3) Station one or more lifeguards at waterside when the recreational swimming establishment is open and not assign other tasks which could divert the attention of lifeguards from the safety of users.

(4) Ensure that the entire area of the recreational swimming establishment can be visually monitored by lifeguards at least every 10 seconds.

(5) Ensure that the lifeguard-to-victim response time is 20 seconds or less.

(6) Monitor and evaluate lifeguard staff performance during actual or simulated operational conditions, and modify the lifeguard coverage plan as necessary to ensure the safety of users.

(7) Provide appropriate lifeguard orientation and regular inservice training at least yearly on the topics of lifesaving techniques, safety equipment and emergency procedures.

[Pa.B. Doc. No. 99-226. Filed for public inspection February 12, 1999, 9:00 a.m.]

## FISH AND BOAT COMMISSION

[58 PA. CODE CH. 63]

### Fishing for Bass During Spring Season

The Fish and Boat Commission (Commission) proposes to add § 63.43 (relating to fishing for bass during spring season). The Commission is publishing this regulation as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed regulation deals with fishing for bass during the spring season.

#### A. *Effective Date*

The proposed regulation, if approved on final rulemaking, will go into effect on January 1, 2000, or upon publication of an order adopting the regulation in the *Pennsylvania Bulletin*, whichever occurs later.

#### B. *Contact Person*

For further information on the proposed rulemaking, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

#### C. *Statutory Authority*

The proposed regulation is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

#### D. *Purpose and Background*

The proposal is designed to update, modify and improve Commission regulations relating to fishing for bass during the spring season. The specific purpose is described in more detail under the summary of proposal.

#### E. *Summary of Proposal*

One of the issues raised by the Commission's recent changes to bass season, size and creel limits was the perception that bass populations require special protection during the traditional closed season from mid-April until mid-June. Therefore, the Commission proposes that

during the period from 12:01 a.m. on the first Saturday after April 11 until 12:01 a.m. on the first Saturday after June 11, it will be unlawful to kill or possess (while in the act of fishing) any largemouth, smallmouth or spotted bass. Under the proposal, no tournaments will be permitted during this time period. Catch and release fishing for bass during this period will be limited. It will be unlawful for an angler to repeatedly cast into a clearly visible bass spawning nest or redd in an effort to catch or take bass. Otherwise, a bass caught and immediately returned unharmed to the waters from which taken during this period will not be considered a violation of the regulation.

#### F. Paperwork

The proposal will not increase paperwork and will create no new paperwork requirements.

#### G. Fiscal Impact

The proposal will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposal will impose no new costs on the private sector or the general public.

#### H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed regulation to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "regulations@fish.state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** 48A-92. No fiscal impact; (8) recommends adoption.

### Annex A

## TITLE 58. RECREATION

### PART II. FISH AND BOAT COMMISSION

#### Subpart B. FISHING

#### CHAPTER 63. GENERAL FISHING REGULATIONS

##### § 63.43. Fishing for bass during spring season.

During the period from 12:01 a.m. on the first Saturday after April 11 until 12:01 a.m. on the first Saturday after June 11:

(1) It is unlawful to kill or possess, while in the act of fishing, any largemouth, smallmouth or spotted bass.

(2) Tournaments are not permitted.

(3) Catch and release fishing for bass is limited as follows: It is unlawful for an angler to repeatedly cast into a clearly visible bass spawning nest or redd in an effort to catch or take bass. Otherwise, a bass caught and immediately returned unharmed to the waters from

which taken during this period will not be considered a violation of this section.

[Pa.B. Doc. No. 99-227. Filed for public inspection February 12, 1999, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### [58 PA. CODE CHS. 63 AND 65]

#### Sale, Purchase or Barter of Fish Parts and Fish Eggs; Miscellaneous Special Regulation

The Fish and Boat Commission (Commission) proposes to add § 63.42 (relating to sale, purchase or barter of fish parts and fish eggs) and amend § 65.24 (relating to miscellaneous special regulations). The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments deal with fishing.

##### A. Effective Date

The proposed amendments, if approved on final rulemaking, will go into effect upon publication of an order adopting the amendments in the *Pennsylvania Bulletin*.

##### B. Contact Person

For further information on the proposed changes, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

##### C. Statutory Authority

The proposed amendments are published under the statutory authority of section 2102 of the code (relating to rules and regulations).

##### D. Purpose and Background

The proposed amendments are designed to update, modify and improve Commission regulations relating to fishing. The specific purpose of each amendment is described in more detail under the summary of proposal.

##### E. Summary of Proposal

(1) *Section 63.42 (relating to sale, purchase or barter of fish parts and fish eggs).* The Commission recently received inquiries as to whether it is legal to sell fish parts and fish eggs. The principal focus of these inquiries has been on the sale of steelhead eggs taken from Lake Erie and its tributaries. Various groups and individuals have expressed the belief that the taking and killing of these sportfish for purpose of selling their eggs is inappropriate.

It has been the Commission staff's position that the sale, offer for sale or purchase of fish, fish parts and fish eggs by anglers is prohibited by section 3311 of the code (relating to sale of certain fish prohibited). There are limited exceptions to this general rule for species authorized to be taken by holders of Lake Erie commercial fishing licenses. In addition, holders of live bait fish, live fish bait and live fish dealers licenses may sell or purchase certain species (not including steelhead) of live fish.

To clarify the interpretation of existing law and enhance its enforceability, the Commission proposes an amendment to its general fishing regulations.

(2) *Section 65.24 (relating to miscellaneous special regulations).* For some years, portions of Paden (Finley) Creek and Linesville Creek, Crawford County, have had miscellaneous special regulations in effect during the walleye run each spring. During a recent review of this regulation, Commission staff noted that clarification is necessary to protect walleye in these rather small streams during the spawning season. Linesville Creek flows into Pymatuning Sanctuary while Paden (Finley) Creek enters the main lake north of Clark Island. Both streams are conducive to poaching activity (including spearing) when walleye are running.

The Commission believes that it is appropriate to declare portions of both streams as nursery waters under § 67.1 (relating to nursery waters and exhibition areas) and to close them to all fishing during the period March 1 through April 15. This will provide adequate protection to walleye stocks. The designation will apply to the reach of Paden (Finley) Creek from the mouth upstream to "Finley Bridge" on State Route 6 and to Linesville Creek from the mouth (Pymatuning Sanctuary) upstream to the Conrail Railroad bridge north of State Route 6 in Linesville. Furthermore, the nursery water designation will prohibit spearing or gigging, or both, on these streams during the March 1 through April 15 period as a further measure to protect walleye during the spawning run. This designation makes unnecessary the current special regulation prohibiting spear fishing during the walleye run each spring when Finley and Linesville Creeks are so posted. Therefore, the Commission proposes to remove both streams from miscellaneous special regulation under § 65.24.

#### F. Paperwork

The proposed amendments will not increase paperwork and will create no new paperwork requirements.

#### G. Fiscal Impact

The proposed amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendments will impose no new costs on the private sector or the general public.

#### H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "regulations@fish.state.pa.us." A subject heading of the proposal and a return name and address must be in-

cluded in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO  
*Executive Director*

**Fiscal Note:** 48A-91. No fiscal impact; (8) recommends adoption.

### Annex A

## TITLE 58. RECREATION

### PART II. FISH AND BOAT COMMISSION

#### Subpart B. FISHING

#### CHAPTER 63. GENERAL FISHING REGULATIONS

##### § 63.42. Sale, purchase or barter of fish parts and fish eggs.

**It is unlawful for a person to sell, purchase, offer for sale or barter any fish parts or fish eggs obtained from fish taken from the waters of this Commonwealth, including boundary waters. This prohibition does not apply to fish parts and fish eggs lawfully taken and sold or offered for sale by holders of commercial fishing licenses under Chapter 29 of the code (relating to special licenses and permits), if the particular species of fish is authorized for taking by commercial licensees. This prohibition does not apply to the sale, purchase, offer for sale or barter of fish parts and fish eggs legally obtained from fish taken lawfully from waters outside this Commonwealth, if the seller or purchaser is able to document the source of the fish parts or fish eggs from lawful sources outside this Commonwealth.**

#### CHAPTER 65. SPECIAL FISHING REGULATIONS

##### § 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations:

County	Name of Water	Special Regulations
		* * * * *
[ Crawford	Finley and Linesville Creeks	Spearing fish is prohibited during the Walleye run each spring when these streams are so posted. ]
		* * * * *

[Pa.B. Doc. No. 99-228. Filed for public inspection February 12, 1999, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Scrapie Containment and Eradication Strategy

The Department of Agriculture (Department) hereby gives notice of its Scrapie Containment and Eradication Strategy. Scrapie—an infectious disease of sheep and goats caused by a virus-like agent—is currently present within the Commonwealth's sheep and goat populations. This notice is intended to provide sheep and goat owners an understanding of the Department's authority with respect to Scrapie and its planned approach to detecting, containing and eradicating this disease. In summary, the Department will use special quarantines and approved flock plans to work toward the elimination of this disease. A more detailed explanation of this strategy, and a glossary of terms, are set forth as follows.

#### A. *Legal Background.*

The Domestic Animal Law (3 Pa.C.S. §§ 2301—2389) gives the Department broad authority to detect, contain and eradicate "dangerous transmissible diseases" of animals. This includes authority to impose quarantines when the Department detects dangerous transmissible disease or has a reasonable suspicion of the presence of dangerous transmissible disease. The Department may also impose conditions and restrictions as part of a quarantine order.

Scrapie is a dangerous transmissible disease of animals, and is so designated in § 2321(a)(36) of the Domestic Animal Law (3 Pa.C.S. § 2321(a)(36)).

Scrapie has been present in various sheep and goat herds in this Commonwealth for several years. The Department is launching an effort to identify, contain and eradicate this disease in accordance with the duty and authority imparted it under the Domestic Animal Law.

#### B. *Scrapie Containment and Eradication Strategy.*

(1) *Common Terms.* An understanding of the words and terms associated with the Department's Scrapie Containment and Eradication Strategy is an important first step toward a clear understanding of the strategy itself. The following words and terms comprise the common vocabulary with respect to this Strategy:

*Department*—The Department of Agriculture.

*Flock*—All sheep and goats maintained on any single premises, and sheep and goats under common ownership or control on two or more geographically-separated premises with respect to which there is an interchange or movement of sheep or goats.

*Flock Plan*—A written flock management agreement designed by the owner of the flock, an accredited veterinarian and a USDA Veterinary Services representative or Department representative in which each participant agrees to undertake actions specified in the flock plan to control the spread of Scrapie from, and eradicate Scrapie in, an infected flock, a source flock or a trace flock. The flock plan shall require an epidemiologic investigation to identify high-risk animals that must be removed from the flock, and shall include other requirements found necessary by the USDA or Department representative to control Scrapie in the flock. These other requirements may include, but are not limited to, cleaning and disinfection of flock premises, education of the owner of the flock and personnel working with the flock to recognize clinical signs of Scrapie and control the spread of Scrapie, and maintaining records of animals in the flock.

*High Risk Animal*—An animal which is:

(i) The progeny of a Scrapie-positive dam; or

(ii) Born in the same flock during the same lambing season as progeny of a Scrapie-positive dam, unless the progeny of the Scrapie-positive dam are from a different contemporary lambing group (animals in this category intended for slaughter at less than 1 year of age will not be considered to be "high risk" animals, but will be identified and monitored); or

(iii) Born in a source flock or a trace flock during the same lambing season as a Scrapie-positive ewe or ram in the same flock.

*Infected Flock*—A flock in which a USDA or Department representative has determined a sheep or goat to be a Scrapie-positive animal.

*Lambing group*—Groups of sheep or lambs that are managed as separate units and that are not commingled during lambing and for at least 60 days following the date of the last lamb born in the same lambing facility, unless the lambing facility is cleaned and disinfected between lambings by removing all organic matter and spraying the lambing facility with a 2% sodium hydroxide solution or 0.5% sodium hypochlorite solution.

*Scrapie-positive animal*—An animal with respect to which a Scrapie diagnosis has been made by the National Veterinary Services Laboratories (NVSL), USDA or another laboratory authorized to conduct Scrapie tests through histological examination of central nervous system tissue samples from the animal for microscopic lesions in the form of neuronal vacuoles or spongy degeneration, or by the use of Protease-resistant protein analysis or other confirmatory techniques used in the conjunction with histological examination.

*Source Flock*—A flock in which a USDA or Department representative has determined that at least two animals that were diagnosed as Scrapie-positive animals at an age of 54 months or less were born. In order to be a source flock, the second Scrapie-positive diagnosis must be made within 60 months of the first Scrapie-positive diagnosis.

*Trace Flock*—A flock in which a USDA or Department representative has determined that one animal was born that was diagnosed as a Scrapie-positive animal at an age of 54 months or less.

*USDA*—The United States Department of Agriculture.

*Voluntary Scrapie Flock Certification Program*—A voluntary Federal/State/Industry cooperative effort established and maintained to:

(i) Reduce the occurrence and spread of Scrapie;

(ii) Identify flocks which have been free of evidence of Scrapie over specified time periods; and

(iii) Contribute to the eventual eradication of Scrapie.

(2) *Implementation of Quarantine.* Any flock designated an infected flock, a trace flock or a source flock will be quarantined under an Order of Special Quarantine. High risk animals in other flocks will be individually quarantined.

tined under an Order of Special Quarantine and subject to the same restrictions/requirements found in paragraphs B. (3), (4) and (5).

(3) *Identification of Individual Animals.* All sheep and goats within a quarantined flock will be inventoried and individually identified.

(4) *Movement of Sheep or Goats under Quarantine.* While a flock is under quarantine, sheep or goats may not be moved from the premises unless the Department first issues a permit allowing the movement. A permit will only be issued to allow movement directly to one of the following locations:

- (a) A slaughter establishment;
- (b) A rendering establishment; or
- (c) A diagnostic laboratory for diagnostic/disposal purposes.

(5) *Prohibited Use.* Sheep or goats designated as high risk animals or suspected of having Scrapie will not be used for human or animal food.

(6) *Approved Flock Plan Required.* An approved flock plan will be developed and implemented for each quarantined flock. Upon completion of all the actions called for under the flock plan, the Order of Special Quarantine will be revoked.

*C. Contact Person.*

Questions regarding this Scrapie Containment and Eradication Strategy should be directed to Phillip DeBok, DVM, Chief, Animal Health Division, Bureau of Animal Health and Diagnostic Services, at the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 783-5301.

SAMUEL E. HAYES, Jr.,  
*Secretary*

[Pa.B. Doc. No. 99-229. Filed for public inspection February 12, 1999, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending February 2, 1999.

### BANKING INSTITUTIONS

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-28-99	Keystone Savings Bank Bethlehem Northampton County	Cedar Crest Blvd. and Tilghman St. South Whitehall Twp. Lehigh County	Filed
2-1-99	Pittsburgh Home Savings Bank Pittsburgh Allegheny County	1000 Village Run Road Wexford Pine Township Allegheny County	Filed
2-1-99	Main Street Bank Reading Berks County	50 West Market St. West Chester Chester County	Filed
2-1-99	Main Street Bank Reading Berks County	225 West Lancaster Ave. Ardmore Montgomery County	Filed
2-1-99	Main Street Bank Reading Berks County	65 North York Road Willow Grove Montgomery County	Filed
2-1-99	Northwest Savings Bank Warren Warren County	1903 Hubbard Road North Madison Lake County, Ohio	Filed
2-1-99	Northwest Savings Bank Warren Warren County	70 Richmond Street Painesville Lake County, Ohio	Filed
2-1-99	Northwest Savings Bank Warren Warren County	30 East Main Street Geneva Ashtabula County, Ohio	Filed
2-1-99	Northwest Savings Bank Warren Warren County	325 Center Street Chardon Geauga County, Ohio	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-2-99	The Fidelity Deposit & Discount Bank Dunmore Lackawanna County	801 Wyoming Avenue West Pittstown Luzerne County	Approved

**Branch Relocations/Consolidations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-24-98	The Bryn Mawr Trust Company Bryn Mawr Montgomery County	<i>Into:</i> 330 E. Lancaster Ave. Radnor Township Delaware County  <i>From:</i> 3 Radnor Corporate Ctr. Radnor Township Delaware County	Effective

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-29-99	S & T Bank Indiana Indiana County	Route 28 & Carrier St. Summerville Jefferson County	Filed

**SAVINGS ASSOCIATIONS**

No activity.

**CREDIT UNIONS****Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
1-27-99	First Credit Union of Scranton Scranton Lackawanna County	2800 Stafford Avenue Scranton Lackawanna County	Filed

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 99-230. Filed for public inspection February 12, 1999, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council; Meeting Notice

Notice is hereby given of a meeting of the Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources on Wednesday, February 24, 1999. The meeting will be held at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Claire Guisewite directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

RANDY COOLEY,  
*Chairperson*

[Pa.B. Doc. No. 99-231. Filed for public inspection February 12, 1999, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Request for Proposal; GEAR UP (Gaining Early Awareness and Readiness for Undergraduate Programs)

The Pennsylvania Department of Education (PDE), in collaboration with the Pennsylvania Higher Education Assistance Agency (PHEAA) solicits proposals from 2 and 4-year colleges or universities to join with the PDE and PHEAA in applying for a competitive GEAR UP State Grant from the United States Department of Education. Proposals are solicited to provide college awareness activities, improved academic support, information on paying for college, and scholarships to students at selected high-poverty school districts/schools. It is the intent that PHEAA administer the GEAR UP scholarship component in coordination with PDE and the selected school districts/schools. (A listing of participating high-poverty school districts will be posted at <http://www.pde.psu.edu> by February 19th.)

*Eligible Applicants:* All 2- and 4-year institutions of higher education within the Commonwealth of Pennsylvania.

*Funding Level:* Grant funds awarded for each successful applicant shall depend upon the merit and scope of the proposed project, as well as the level of Federal



funding received by Pennsylvania from the United States Department of Education under this grant.

*Duration of Project:* If awarded by the United States Department of Education, project will be funded for a period of 5 years.

*Deadline:* Applications must be received at the Pennsylvania Department of Education no later than 3 p.m. March 19, 1999.

*Additional Information:* Additional information and guidelines may be obtained from the PDE web-site at <http://www.pde.psu.edu> (by February 19th) click on Postsecondary and Adult Education. Interested applicants may also attend a free regional workshop sponsored by the Ford Foundation to be held in Philadelphia, Pa on March 11 at the Penn Tower Hotel (all travel costs are at

attendees expense). Online registration is available between January 21 and February 22, 1999 at <http://www.gearup.org>. Registration information may also be faxed to (202) 260-4269.

Applications should be addressed to Dr. John J. Kehoe, Collegiate Approvals and Research Unit, Office of Postsecondary and Higher Education, Department of Education, 333 Market Street—12th floor, Harrisburg, Pa. 17126-0333.

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 99-232. Filed for public inspection February 12, 1999, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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### APPLICATIONS RECEIVED UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### [National Pollution Discharge Elimination System Program (NPDES)]

#### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

#### (Part I Permits)

The following parties have applied for an NPDES permit to discharge controlled wastewaters into the surface waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

Following the 30-day comment period, the Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, proposed effluent limitations and special conditions, comments received and other information are on file and may be inspected and arrangements made for copying at the office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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#### Applications for National Pollutant Discharge Elimination System (NPDES) permit to discharge to State waters.

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*Southeast Regional Office: Regional Manager, Water Management, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6130.*

**PA 0043974.** Sewage, **Valley Forge Sewer Authority**, 333 Pawling Road, Phoenixville, PA 19460-2656.

This application is for renewal of an NPDES permit to discharge treated sewage from the Valley Forge Sewer Authority WWTP in Schuylkill Township, **Chester County**. This is an existing discharge to the Schuylkill River.

The receiving stream is classified for the following uses: warm water fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 9.4 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	15.0		30.0
(11-1 to 4-30)	20.0		40.0
Total Residual Chlorine			
(years 1 and 2)	monitor/report		monitor/report
(years 3, 4 and 5)	0.5		1.6
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for Outfall 001, based on an average flow of 9.4 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Mercury	0.3	0.6	0.75
Total Copper	monitor/report	monitor/report	
Total Lead	monitor/report	monitor/report	
Total Zinc	monitor/report	monitor/report	
Free Cyanide	monitor/report	monitor/report	
Total Arsenic	monitor/report	monitor/report	
Total Cadmium	monitor/report	monitor/report	
Hexavalent Chromium	monitor/report	monitor/report	
Total Selenium	monitor/report	monitor/report	
Total Silver	monitor/report	monitor/report	

The EPA waiver is not in effect.

**PA 0024376.** Sewage, **Borough of Boyertown**, 100 South Washington Street, Boyertown, PA 19512.

This application is for renewal of an NPDES permit to discharge treated sewage from sewage treatment plant in Douglass Township, **Montgomery County**. This is an existing discharge to unnamed tributary to Swamp Creek.

The receiving stream is classified for the following uses: trout stocking fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 0.75 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	20	30 (average weekly)	40
(11-1 to 4-30)	25	40 (average weekly)	50
Suspended Solids	30	45 (average weekly)	60
Ammonia (as N)			
(5-1 to 10-31)	1.6		3.2
(11-1 to 4-30)	4.8		9.6
Phosphorus (as P)	2.0		4.0
Total Residual Chlorine			
(0—2 years)	1.0		1.5
(3—5 years)	0.034		0.11
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		
Copper (4—5 years)	0.0014	0.028	0.035
Lead (4—5 years)	0.0047	0.0098	0.012
Chlorodibromomethane	monitor/report	monitor/report	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Chloroform	monitor/report	monitor/report	
Dichlorobromomethane	monitor/report	monitor/report	
Copper (0—4 years)	monitor/report	monitor/report	
Lead (0—4 years)	monitor/report	monitor/report	

The EPA waiver is in effect.

**PA 0051888.** Sewage, **Howard Elliot**, 73 Valley Drive, Furlong, PA 18925.

This application is for renewal of an NPDES permit to discharge treated sewage from the Elliot residence small flow treatment plant in Doylestown Township, **Bucks County**. This is an existing discharge to an unnamed tributary to the Neshaminy Creek.

The receiving stream is classified for the following uses: warm water fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 500 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia as N		
(5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0042617.** Industrial waste, **Uniform Tubes, Inc.**, 200 W. 7th Avenue, P. O. Box 26992, Collegeville, PA 19426-0992.

This application is for renewal of an NPDES permit to discharge cooling water, treated groundwater and stormwater runoff from Uniform Tubes, Inc. in Trappe Borough, **Montgomery County**. This is an existing discharge to an unnamed tributary to the Perkiomen Creek.

The receiving stream is classified for the following uses: trout stocking fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an emergency discharge of once-through noncontact cooling water at a flow of 0.144 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for Outfall 002, from permit issuance through completion of air stripper modifications, based on an average flow of 0.108 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Trichloroethylene	0.010	0.020	0.025
Chromium, Hexavalent	0.009	0.018	0.023

The proposed effluent limits for Outfall 002, from the completion of air stripper modifications through the startup of Phase I GWCU, based on an average flow of 0.108 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Trichloroethylene	0.005	0.010	0.013
Chromium, Hexavalent	0.009	0.018	0.023

The proposed effluent limits for Outfall 002, from the startup of Phase I GWCU through expiration, based on an average flow of 0.108 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Trichloroethylene	0.005	0.010	0.013
Chromium, Hexavalent	0.0064	0.013	0.016

The proposed effluent limits for Outfall 003, based on an average storm event are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		monitor/report	
COD		monitor/report	
Oil and Grease		monitor/report	
pH		monitor/report	
Total Suspended Solids		monitor/report	
Total Kjeldahl Nitrogen		monitor/report	
Effluent Guideline Pollutants		monitor/report	
Dissolved Iron		monitor/report	
Total Phosphorous		monitor/report	

The EPA waiver is in effect.

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*Northeast Region: Environmental Protection Manager, Water Management, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2553.*

**PA 0061905.** Sewerage, SIC, **Sun Company, Inc.**, 10 Penn Center, 1801 Market Street, Philadelphia, PA 19103.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Stony Creek in Penn Forest Township, **Carbon County**.

The receiving stream is classified for the following uses: high quality, cold water fishery, aquatic life, water supply and recreation.

Effluent requirements were evaluated at point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of .04 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
NH <sub>3</sub> -N		
(5-1 to 10-31)	4.5	9
(11-1 to 4-30)	13.5	27
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine		
(1st Month—36th Month)	monitor and report	monitor and report
(37th Month—Expiration)	.3	.7

The EPA waiver is in effect.

**PA 0060097.** Sewerage, **Pennsylvania American Water Company**, Pocono Country Place Development, 800 West Hershey Park Drive, Hershey, PA 17033.

This proposed action is for amendment of an NPDES permit to discharge treated sewage into East Branch of Dresser Run in Coolbaugh Township, **Monroe County**.

The receiving stream is classified for the following uses: high quality, cold water fishery, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is City of Hazleton on the Lehigh River.

The proposed effluent limits for Outfall 001, based on a design flow of 1.25 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Total Suspended Solids	20	40
NH <sub>3</sub> -N		
(5-1 to 10-31)	2.3	4.6
(11-1 to 4-30)	7.0	14.0
NO <sub>3</sub> -N	11.0	22.0
Phosphorous as P	1.0	2.0
Dissolved Oxygen	a minimum of 7.0 mg/l at all times	

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine	nondetectable	

The EPA waiver is in effect.

**PA 0041742.** Sewerage, **Nazareth Borough Municipal Authority**, 872 Tatamy Road, P. O. Box A, Nazareth, PA 18064.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Schoeneck Creek in Lower Nazareth Township, **Northampton County**.

The receiving stream is classified for the following uses: warm water fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on a design flow of 1.30 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	15.0	22.5	30.0
(11-1 to 4-30)	25.0	37.5	50.0
Total Suspended Solids	30.0	45.0	60.0
NH <sub>3</sub> -N (5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Dissolved Oxygen	a minimum of 6.0 mg/l at all times		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0—9.0 standard units at all times		
Total Residual Chlorine (1st Month—36th Month)	monitor and report		
(37th Month—Expiration)	0.30		1.0

The EPA waiver is not in effect.

*Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.*

**PA 0052833.** Industrial waste, SIC: 3369, **Excelsior Brass Works**, June Avenue, Blandon, PA 19510-0140.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Willow Creek, in Maiden Creek Township, **Berks County**.

The receiving stream is classified for cold water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Pottstown Borough located on the Schuylkill River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0061 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		XXX
Total Suspended Solids	30	45	60
pH		6—9 at all times	

The proposed effluent limits for Outfall 002 for stormwater are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Aluminum		monitor and report	
Zinc		monitor and report	
CBOD		monitor and report	
COD		monitor and report	
Oil and Grease		monitor and report	
pH		monitor and report	
Total Suspended Solids		monitor and report	
Lead		monitor and report	
Chromium		monitor and report	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Copper		monitor and report	
Cadmium		monitor and report	
Arsenic		monitor and report	
Iron		monitor and report	

Persons may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

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*Northcentral Region: Environmental Program Manager, Water Management, 208 West Third Street, Suite 101, Williamsport, PA 17701-6510, (717) 327-3666.*

**PA 0033251.** SIC: 4952, **Riviera Sewer Company of Pennsylvania, Inc.**, Treasure Lake Mini Mall No. 4, DuBois, PA 15801-9010.

This proposed action is for renewal of an existing NPDES permit for a discharge of treated sewage to Narrows Creek in Sandy Township, **Clearfield County**.

The receiving stream is classified for the following uses: cold water fishery and aquatic life, water supply and recreation.

For the purposes of modeling for fluoride and nitrate/nitrite, the nearest downstream potable water supply intake is on Redbank Creek at Hawthorn. This intake is 40 river miles downstream, therefore, no limits are necessary.

*Outfall 001:* The proposed effluent limits (until new west side STP goes on line) at 0.74 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Suspended Solids	30	45	60
Ammonia Nitrogen			
(5-1 to 10-31)	1.5	2.3	3.0
(11-1 to 4-30)	4.5	6.8	9.0
Total Chlorine Residual	monitor		monitor
Dissolved Oxygen		minimum of 6.0 mg/l at all times	
pH		6.0—9.0 at all times	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

The proposed effluent limits (after the new west side STP goes on line) at 0.74 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	15	22.5	30
(11-1 to 4-30)	25	40	50
Suspended Solids	30	45	60
Ammonia Nitrogen			
(5-1 to 10-31)	1.5	2.3	3.0
(11-1 to 4-30)	4.5	6.8	9.0
Total Chlorine Residual	0.18		0.58
Dissolved Oxygen		minimum of 6.0 mg/l at all times	
pH		6.0—9.0 at all times	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

*Other Conditions:*

1. Total Residual Chlorine

The EPA waiver is in effect.

**PA 0060232.** SIC: 4952, **U. S. Army Corps of Engineers—Baltimore District**, R. R. 1, Box 65, Tioga, PA 16946-9733.

This proposed action is for reissuance of an NPDES permit for an existing discharge (Tompkins Recreation Area) of treated sewage to Cowanesque Lake in Lawrence Township, **Tioga County**.

The receiving stream is classified for the following uses: warm water fishery and aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the assumed downstream potable water supply (PWS) considered during the evaluation is the Pennsylvania/New York state line.

The proposed effluent limits for Outfall 001, based on a design flow of 0.02 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
Total Chlorine Residual	1.0	2.3
Ammonia Nitrogen	15	30
Total Phosphorous	2.0	4.0
Fecal Coliform	200/100 ml as a geometric average	
(5-1 to 9-30)	2,000/100 ml as a geometric average	
(10-1 to 4-30)	6.0—9.0 at all times	
pH		

*Other Conditions:* none.

The EPA waiver is in effect.

**PA 0111902.** Industrial waste, SIC: 2023, **Dietrich's Milk Products LLC**, P. O. Box 102, Middlebury Center, PA 16935.

This proposed action is for renewal of an NPDES permit for an existing discharge of noncontact cooling water and treated industrial wastewater to Catlin Hollow Run in Middlebury Township, **Tioga County**.

The receiving stream is classified for the following uses: trout stocking, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is assumed to be located at PA/NY border.

*Outfall 001*

The proposed effluent limits, based on a design flow of 0.036 mgd, are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Mass (lbs/day)</i>	
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>
BOD <sub>5</sub>	20	40	50		
Temperature	The discharge shall not increase the temperature of receiving stream by more than 2°F in any 1-hour period.				
pH	6.0—9.0 at all times				

*Outfall 002*

The proposed effluent limits, based on a design flow of 0.150 mgd, are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Mass (lbs/day)</i>	
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>
BOD <sub>5</sub>					
(5-1 to 10-31)	50	100	125	62.6	125
(11-1 to 4-30)	110	220	275	138	275
TSS	110	220	275	138	275
Ammonia-N					
(5-1 to 10-31)	5.5	11	13	6.9	13.8
(11-1 to 4-30)	13	26	32	16.3	32.5
Total Phosphorus	10	20	25	12.5	
Fecal Coliforms					
(5-1 to 9-30)	200				
(10-1 to 4-30)	2,000				
Total Chlorine	1.0		3.3		
pH	6.0—9.0 at all times				

The EPA waiver is in effect.

**PA 0021814.** SIC: 4952, **Mansfield Municipal Authority**, 19 East Wellsboro Street, Mansfield, PA 16933.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to Tioga River in Borough of Mansfield, **Tioga County**.

The receiving stream is classified for the following uses: cold water fishery and aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the projected downstream potable water supply (PWS) considered during the evaluation is at Lawrenceville located on the Tioga River at the PA-NY border.

The proposed effluent limits for Outfall 001, based on a design flow of 1.0 mgd, are:

<i>Discharge Parameter</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Instantaneous Maximum</i>
pH (std units)	within the range 6.0—9.0			
CBOD <sub>5</sub>		25	40	50
TSS		30	45	60
Total Cl <sub>2</sub> Residual*		0.5		1.6
	*-limit effective 3 years after permit effective date, until then monitor and report			
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	2,000/100 ml as a geometric average			

*Other Conditions:*

(1) Combined Sewer Overflow Control Condition

The EPA waiver is not in effect.

**PA 0021652.** Sewerage, SIC: 4952, **Kreamer Municipal Authority**, P. O. Box 220, Kreamer, PA 17833-0220.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Middle Creek in Middlecreek Township, **Snyder County**.

The receiving stream is classified for the following uses: trout stocking, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Dauphin Consolidated Water Company located at Dauphin.

The proposed effluent limits for Outfall 001, based on a design flow of 0.09 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
TSS	30	45	60
Total Cl <sub>2</sub> Residual	1.0		2.3
Fecal Coliforms (5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

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*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**PAS 806104.** Industrial waste, SIC: 4213, **Con-Way Central Express**, 736 Cooper Avenue, Johnstown, PA 15906.

This application is for issuance of an NPDES permit to discharge untreated stormwater from Johnstown Facility, West Taylor Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, Wildcat Run and Laurel Run, classified as a high quality-cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Cokesburg Boro Water Department, located at Cokesburg Reservoir, 4.5 miles below the discharge point.

*Outfall 001:* existing discharge, design flow of varied mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>

The discharge by this outfall shall consist of uncontaminated stormwater runoff only.

*Outfall 002:* existing discharge, design flow of varied mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>

The discharge by this outfall shall consist of uncontaminated stormwater runoff only.



*Outfall 003:* existing discharge, design flow of varied mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>

The discharge by this outfall shall consist of uncontaminated stormwater runoff only.

The EPA waiver is in effect.

**PA 0110302.** Sewage, **Johnstown Economic Development Corporation**, 111 Market Street, Johnstown, PA 15901.

This application is for renewal of an NPDES permit to discharge treated sewage from Quemahoning Industrial Development Park STP in Quemahoning Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Quemahoning Creek, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Waterworks.

*Outfall 001:* existing discharge, design flow of 0.02 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	20			40
(11-1 to 4-30)	25			50
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	15,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0041441.** Sewage, **Somerset Township Municipal Authority**, P. O. Box 247, Somerset, PA 15501.

This application is for renewal of an NPDES permit to discharge treated sewage from the Wells Creek Sewage Treatment Plant in Somerset Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Wells Creek, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Hooversville Municipal Authority.

*Outfall 001:* existing discharge, design flow of 0.8 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	4.5	6.8		9.0
(11-1 to 4-30)	13.5	20.2		27.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.3			0.9
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0042579.** Sewage, **Smith Machine, Inc.**, P. O. Box 126, Route 519, Eighty Four, PA 15330.

This application is for renewal of an NPDES permit to discharge treated sewage from Smith Machine Sewage Treatment Plant in Somerset Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as storm drain to unnamed tributary of Little Chartiers Creek, which are classified as a high quality-warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the West View Borough Municipal Water Authority on the Ohio River.

*Outfall 001:* existing discharge, design flow of 0.0015 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
(1st month—36th month)	monitor and report			
(37th month—expiration)	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0093874.** Sewage, **Blairsville—Saltsburg School District**, 102 School Lane, Blairsville, PA 15717-8715.

This application is for renewal of an NPDES permit to discharge treated sewage from the Saltsburg Elementary School STP in Loyalhanna Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an Unnamed Tributary of the Kiskiminetas River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Freeport Water Company.

*Outfall 001:* existing discharge, design flow of .00465 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	9.5			19.0
(11-1 to 4-30)	28.5			57.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
(1st month—36th month)	monitor and report			
(37th month—expiration)	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0216267.** Sewage, **D&E Management**, 116 East Pittsburgh Street, Greensburg, PA 15601.

This application is for renewal of an NPDES permit to discharge treated sewage from the Pines Apartments STP in Loyalhanna Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Boatyard Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Waterworks.

*Outfall 001:* existing discharge, design flow of .006 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine (1st month—36th month)	monitor and report			
(37th month—expiration)	1.4			
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

*Northwest Regional Office: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**PA 0037397.** Sewage, **Waterford Borough Municipal Authority**, P. O. Box 49, 224 East Third Street, Waterford, PA 16441.

This application is for renewal of an NPDES permit to discharge treated sanitary sewage to LeBoeuf Creek in Waterford Township, **Erie County**. This is an existing discharge.

The receiving water is classified for trout stocking fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is the Cambridge Springs Borough water supply, located in Cambridge Springs, Crawford County.

The proposed effluent limits for Outfall 001, based on an average design flow of 0.240 mgd, are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub> (5-1 to 10-31)	18	27	36
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N (5-1 to 10-31)	6		12
(11-1 to 4-30)	18		36
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
Total Residual Chlorine (interim)	monitor and report		
(final)	0.74		2.44
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	17,000/100 ml as a geometric average		
pH	6.0—9.0 standard units at all times		

The EPA waiver is in effect.

**PA 0222747.** Sewage, **John P. Lantzy**, 11986 East Lake Road, P. O. Box 506, North East, PA 16428-0506.

This application is for a new NPDES permit to discharge treated sanitary sewage to an unnamed tributary of Lake Erie in North East Township, **Erie County**. This is a new discharge.

The receiving water is classified for cold water and migratory fishery, aquatic life, water supply and recreation. There are no potable water supplies affected by this discharge.

The proposed effluent limits for Outfall 001, based on an average design flow of 0.00200 mgd, are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10	20
Total Suspended Solids	20	40
NH <sub>3</sub> -N	6	12
Phosphorus as P	1.0	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
Total Residual Chlorine	1.4	3.3
Fecal Coliform	200/100 ml as a geometric average	
pH	6.0—9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0032042.** Sewage, **Allegheny Highlands Council, Boy Scouts of America**, Elk Lick Scout Reserve, R. D. 3, Bordell Road, Smethport, PA 16749.

This application is for renewal of an NPDES permit to discharge treated sewage to unnamed Tributary to South Branch of Cole Creek in Keating Township, **McKean County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the PA-NY state line located at Keating Township, McKean County, approximately 15 miles below point of discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of .0026 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
TSS	30	60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 54,300/100 ml as a geometric average	
Total Residual Chlorine	1.0	2.3
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0103811, Amendment No. 3.** Industrial waste, SIC: 4953 and 4959, **Northwest Sanitary Landfill**, 1436 West Sunbury Road, West Sunbury, PA 16061.

This is for an amendment of an NPDES permit, to discharge treated industrial waste and stormwater to Findlay Run in Cherry Township, **Butler County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Salvation Army Camp on Slippery Rock Creek located at Slippery Rock, approximately 30 miles below point of discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of .0415 mgd, are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)			
CBOD <sub>5</sub>	90	180	225
TSS	100	200	250
NH <sub>3</sub> -N (5-1 to 10-31) (10-1 to 4-30)	9.5 20		23.5 50
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric mean 10,700/100 ml as a geometric mean	
Oil and Grease	15		30
Aluminum	0.3	0.6	0.75
Boron	3.0	6.0	7.5
Vanadium	0.5	1.0	1.25
Butylbenzyl phthalate	0.01	0.02	0.025
4,4'-DDT***	0.000005	0.00001	0.0000125
Tetrahydrofuran	0.025	0.05	0.0625
Acetone	0.109	0.22	0.2725
2-Hexanone	0.015	0.03	0.0375
4-Methyl 2-Pentanone	0.015	0.03	0.0375
Bis chloromethyl ether	0.015	0.03	0.0375
pH**		6.0—9.0 at all times	

1. Final water quality based effluent based limitation for 4'4-DDT and Vanadium.

The EPA waiver is in effect.

**PA0100790.** Sewage, **Raymond P. DiLoreto**, 6059 Grubb Road, Erie, PA 16506-4608.

This application is for renewal of an NPDES permit to discharge treated sanitary sewage to an unnamed tributary of Thomas Run in Millcreek Township, **Erie County**. This is an existing discharge in a high-quality watershed.

The receiving water is classified for cold water fishery, aquatic life, water supply and recreation. There are no potable water supplies affected by this discharge.

The proposed effluent limits for Outfall 001, based on an average design flow of 0.0005 mgd, are:

Parameter	Effluent Concentration (mg/l)	
	Average Monthly	Instantaneous Maximum
CBOD <sub>5</sub>	10	20
Total Suspended Solids	20	40
Total Residual Chlorine	monitor and report	
Fecal Coliform	200/100 ml as a geometric average	
pH	6.0 to 9.0 standard units at all times	

The EPA waiver is in effect.

#### NPDES Minor Renewals

*Southcentral Regional Office: Water Management Program, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.*

NPDES No.	Facility Name and Address	County and Municipality	Tributary Stream	New Permit Requirements
PA0053708	James Gaffney Hawk Mountain Bed & Breakfast 221 Stony Run Valley Rd. Kempton, PA 19529	Berks Albany Township	Stony Run Creek	TRC
PA0031551	Chambersburg Area School District 511 S. Sixth St. Chambersburg, PA 17201-3405	Franklin Lurgan Township	UNT to Conodoguinet Creek	TRC

#### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

##### Applications under the Pennsylvania Clean Streams Law

##### (Part II Permits)

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection (Department). Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number; identification of the plan or application to which the protest is addressed and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest. Each writer will be notified in writing of the time and place if a hearing or conference concerning the plan, action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**A. 1399401.** Sewerage. **White Haven Municipal Authority**, 50 East Woodhaven Drive, White Haven, PA 18661. Application to install gravity sewers and force mains located in Kidder Township, **Carbon County** and White Haven Borough, **Luzerne County**. Application received in the Regional Office—January 20, 1999.

*Southcentral Regional Office: Water Management Program Manager, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110-8200, (717) 705-4707. Persons who wish to review any of these applications, should contact Mary DiSanto at (717) 705-4732.*

**A. 2199401.** Sewage, submitted by **Monroe Township Municipal Authority**, 1220 Boiling Springs Road, Mechanicsburg, PA 17055 in Monroe Township, **Cumberland County** to replace the White Rock Acres Pump Station was received in the Southcentral Region on January 21, 1999.

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**WQM Permit No. 3399401.** Sewage. **Sykesville Borough Council**, 21 East Main Street, Sykesville, PA 15865. This project is for the construction and operation of a wastewater collection and treatment facility in Sykesville Borough and Winslow Township.

**WQM Permit No. 2099401.** Sewage. **Joseph A. and Ruth E. Ruggiero, SRSTP**, 201 N. Fourth St., Titusville, PA 16354. This project is for the construction of a single residence sewage treatment plant in Rome Township, **Crawford County**.

#### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER FROM OIL AND GAS ACTIVITIES

*Southwest Regional Office: Regional Oil and Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**PA 0218073.** Industrial waste, SIC: 4925, **Belden and Blake Corporation**, 22811 Titusville Road, Pleasantville, PA 16341.

This application is for issuance of an NPDES permit to discharge water produced during coalbed methane production to Jacobs Creek in East Huntingdon Township, **Westmoreland County**. This is a new discharge.

The receiving stream is classified for warm water fish and the Statewide list. For the purpose of evaluating effluent requirements for TDS, the existing downstream water supply considered during the evaluation is located in McKeesport, PA approximately 42 miles downstream of the discharge point.

The proposed discharge limits for Outfall No. 001 are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow		0.6 mgd	417 gpm
Total Iron (mg/l)	3.5		7
Oil and Grease (mg/l)	15		30
TSS (mg/l)	30		60
Acidity (mg/l)	monitor only		
Alkalinity (mg/l)	greater than acidity		
pH	6 to 9 at all times		
TDS (mg/l)	monitor only		
Chloride (mg/l)	monitor only		
Dissolved Iron (mg/l)	monitor only		

The EPA waiver is in effect.

## INDIVIDUAL PERMITS

(PAS)

### NPDES Individual

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision of 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the office noted above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.*

**NPDES Permit PAS10-G355.** Stormwater. **James Mark**, P. O. Box 63, New London, PA 19360, has applied to discharge stormwater from a construction activity located in East Nottingham Township, **Chester County**, to Big Elk Creek.

**NPDES Permit PAS10-G356.** Stormwater. **Robert H. Kirk**, 596 Dampman Road, Honeybrook, PA 19344, has applied to discharge stormwater from a construction activity located in Honey Brook Township, **Chester County**, to East Branch Brandywine Creek.

*Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

*Lehigh County Conservation District, District Manager, Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.*

**NPDES Permit PAS10Q170.** Stormwater. **Winchester Road Limited Partnership**, Donald Frederick, 1611 Pond Road, Suite 201, Allentown, PA 18104, has applied to discharge stormwater from a construction activity located in South Whitehall Township, **Lehigh County**, to Little Lehigh Creek.

*Pike County Conservation District, District Manager, HC 6, Box 6770, Hawley, PA 18428, (570) 226-8220.*

**NPDES Permit PAS10V025.** Stormwater. **Wallenpaupack Area School District**, Thomas A. Peifer, Superintendent, HC6, Box 6075, Hawley, PA 18428, has

applied to discharge stormwater from a construction activity located in Palmyra Township, **Pike County**, to Wallenpaupack Creek/Delaware River Basin.

*Carbon County Conservation District, District Manager, 5664 Interchange Road, Lehighton, PA 18235-5114, (610) 377-4894.*

**NPDES Permit PAS101317.** Stormwater. **Matthew Beers**, 1140 Summer Mountain Dr., Palmerton, PA 18071, has applied to discharge stormwater from a construction activity located in Lower Towamensing Township, **Carbon County**, to Aquashicola Creek.

*Northampton County Conservation District, District Manager, R. R. 4, Nazareth, PA 18064-9211, (610) 746-1971.*

**NPDES Permit PAS10U106.** Stormwater. **Seiple Estates**, c/o Thomas Stitt, Esq., P. O. Box 483, Easton, PA 18044-0483, has applied to discharge stormwater from a construction activity located in Forks Township, **Northampton County**, to Bushkill Creek.

**NPDES Permit PAS10U107.** Stormwater. **Stuart Schooley Recreational Concepts Development Corp.**, 4733 Hanoverville Rd., Bethlehem, PA 18020, has applied to discharge stormwater from a construction activity located in Lower Nazareth Township and Bethlehem Township, **Northampton County**, to Monocacy Creek.

## SAFE DRINKING WATER

**Applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

*Southcentral Regional Office: Sanitarian Regional Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.*

**3699501.** Public water supply. **Leola Sewer Authority.** *Responsible Official:* Jimmy Dennis, Water Dept. Supt., Leola Sewer Authority, 115 Newport Rd., Leola, PA 17540. *Type of Facility:* Construction of a water treatment plant and 12-inch water main for an interconnection with the City of Lancaster. The water treatment plant will consist of booster pumps, cation exchange, pH adjustment and disinfection. *Consulting Engineer:* Cynthia Zawrotuk, Acer Engineers and Consultants, 270 Granite Run Dr., Lancaster, PA 17601.

**0199501.** Public water supply. **Franklin Township Municipal Authority.** *Responsible Official:* Robert Cullison, Chairperson, P. O. Box 4, Cashtown, PA 17310. *Type of Facility:* Construction of the Rock Top Well and Ancillary Facilities. The well is to be used at a maximum rate of 50 gpm; treatment will be limited to hypochlorite disinfection. A 60,000 gallon finished water storage tank is also proposed. *Consulting Engineer:* Margaret Miller, HRG, Inc., 32 W. Middle St., Gettysburg, PA 17325.

**3698507.** Public water supply. **Turkey Hill Dairy, Inc.** *Responsible Official:* William P. Gregory, Turkey Hill Dairy, Inc., 2601 River Rd., Conestoga, PA 17516-9630. *Type of Facility:* Begin a bottled water operation using an existing milk bottling facility and a permitted water supply source. *Consulting Engineer:* Jeffrey D. Steckbeck, P.E., Steckbeck Engineering Assoc., 43 N. Cornwall Rd., Lebanon, PA 17042.

**3698508.** Public water supply. **Christiana Borough Water Authority.** *Responsible Official:* LeVerne Rettew, Manager, P. O. Box 135, 315 Newport Ave., Christiana, PA 17509. *Type of Facility:* Installation of vacuum diatomaceous earth filtration units to enhance turbidity

removal at the existing treatment plant. *Consulting Engineer:* Scott M. Rights, HRG, Inc., 1846 Charter Lane, P. O. Box 10337, Lancaster, PA 17605.

**0699501.** Public water supply. **Borough of Shoemakersville.** *Responsible Official:* George Bracy, President, P. O. Box 190, 242 Main St., Shoemakersville, PA 19555. *Type of Facility:* Construction of water filtration plant to treat wells 4, 5 and 6 for turbidity, iron and manganese; 350,000 gallon storage tank; 4 inch transmission main; new disinfection facilities. *Consulting Engineer:* Amy Kunkel, Project Engineer, Spotts, Stevens & McCoy, Inc., 3722 Lehigh St., Suite 401, Whitehall, PA 18052.

**0699502.** Public water supply. **Cornell Corrections Inc.** *Responsible Official:* Tom Rathjen, Managing Director, 4801 Woodway, Suite 1005, Houston, TX 77056-1805. *Type of Facility:* New public water supply including a well, sodium hypochlorite disinfection, 60,000 gallon storage tank, pump house and distribution system to serve a 180 bed Juvenile Treatment Facility. *Consulting Engineer:* Wm. W. Witman, P.E., 132 N. 8th St., Reading, PA 19601.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

**Under Act 2, 1995**

**Preamble 1**

**Acknowledgment of Notices of Intent to Remediate submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Sections 302 and 303 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate identifies a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background or Statewide health standard to remediate a site must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department must provide a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Southeast Regional Office: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.*

**Ennis Oil & Burner Site (Former)**, Chester Heights Borough, **Delaware County**. Charlene R. Drake, React Environmental Services, Inc., 6901 Kingessing Ave., Philadelphia, PA 19142, has submitted a Notice of Intent to Remediate site soil contaminated with benzene and groundwater contaminated with lead, benzene, Dichloroethane, 1,2, and ethylene dibromide. The applicant proposes to remediate the site to meet the Statewide health standard.

**Penn Ventilation Co., Inc.**, City of Philadelphia, **Philadelphia County**. Robert H. Marion, P.G., GCI Environmental Services, Inc., 1250 E. King Street, Lancaster, PA 17602, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with BTEX and petroleum hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard.

**Dallas Miller Service Station**, Douglass Township, **Montgomery County**. Stavros G. Patselas, Lewis Environmental Group, P. O. Box 639, Royersford, PA 19468, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with BTEX and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

**Acknowledgment of Notices of Intent to Remediate submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Sections 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use a site-specific standard or who intend to remediate a site in a Special Industrial Area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to

Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period a municipality may request that the person identified, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Southeast Regional Office: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.*

**AVO International, Inc.**, Plymouth Township, **Montgomery County**. David N. Wilcots, P.G., GA Environmental Services, Inc., 401 Baldwin Tower, 1510 Chester Pike, Eddystone, PA 19022, has submitted a Notice of Intent to Remediate site soil contaminated with petroleum hydrocarbons; and groundwater contaminated with solvents. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *Montgomery County Times Herald* on January 14, 1999.

**South 71st Street Property (Alto Sign)**, City of Philadelphia, **Philadelphia County**. Michael H. Menninger, McLaren Hart, Inc., 300 Stevens Drive, Suite 200, Lester, PA 19113, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with PCBs, lead, heavy metals, BTEX and petroleum hydrocarbons. The applicant proposes to remediate the site to meet Statewide health and site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *Philadelphia Daily News* on December 29, 1998.

## SOLID AND HAZARDOUS WASTE

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate or close solid waste processing or disposal area or site.**

*Regional Office: Regional Solid Waste Manager; 909 Elmerton Avenue, Harrisburg, PA 17110.*

**A. 301328. RecOil Bedford Transfer Facility, RecOil, Inc.** (280 East Street, York, PA 17403). Application for a residual waste transfer facility for used oil for a site in Bedford Township, **Bedford County**. Application determined to be administratively complete in the Regional Office January 22, 1999.

**A. 100739. Western Berks Landfill, Western Berks Refuse Authority** (455 Poplar Neck Road, Birdsboro, PA 19508). Application for expansion subject to Governor's Executive Order and policies. WBRA proposes an expansion providing additional capacity of 2.69 years of site life



at an average daily volume of 172 tons (no increase in average or maximum daily volume is proposed). Under the provisions of the Governor's Executive Order and Money Back Guarantee Program, the host municipality, applicant and DEP have negotiated an application review timeline. The date for a final decision on the application by DEP is on or before October 29, 1999.

**Closure Plan submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate hazardous waste storage, treatment and disposal facility.**

*Regional Office: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**PAD000796334. Berg Electronics, Berg Electronics Group, Inc.** (320 Busser Road, P. O. Box 248, Emigsville, PA 17318-0248). Implement closure plan which will terminate their long-term hazardous waste storage practice at the facility located in Manchester Township, **York County**. Application received in the Regional Office January 4, 1999.

## AIR QUALITY

### Notice of Plan Approval and Operating Permit Applications

#### Nonmajor Sources and Modifications

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities. Although the sources covered by these applications may be located at a major facility, the sources being installed or modified do not trigger major new source review or prevention of significant deterioration requirements.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Offices identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to file protests or comments on the proposed plan approval and/or operating permits must submit the protest or comment within 30 days from the date of this notice. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with the Department's Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable

requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act and regulations adopted under the act.

## OPERATING PERMITS

### Notice of Intent to Issue Title V Operating Permits

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirement, and Title V operating permits).

Appointments to review copies of the Title V application, proposed permit and other relevant information must be made by contacting Records Management at the regional office noted.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the person submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Attn: Kanubhai L. Patel, (717) 705-4702.*

**06-05025: Morgan Corp.** (One Morgan Way, Morgantown, PA 19543) for a heavy duty truck manufacturing facility in Caernarvon Township, **Berks County**.

**06-05035: ICI Paints North America d/b/a The Glidden Co.** (Third and Bern Streets, Reading, PA 19601) for a paint manufacturing facility in Reading, **Berks County**. The operation primarily emits volatile organic compounds (VOC).

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, Attn: Mohammad Zaman, (717) 327-3637.*

**TVOP-59-00008: Tennessee Gas Pipeline Co.** (P. O. Box 2511, Houston, TX 77252-2511) for their natural gas transmission Station 315 Wellsboro located in Charleston Township, **Tioga County**. In accordance with 25 Pa. Code § 127.541, this Title V Operating permit revision is to incorporate the changes to permit conditions made by the Department to address Tennessee Gas Pipeline Company's comments. Station 315 Wellsboro is used to transport natural gas to the main distribution line. The facility's main sources include natural gas fired combustion turbine, auxiliary engine, boiler and space heaters which emit major quantities of nitrogen oxides (NOx) and

carbon monoxide (CO). The facility also emits SO<sub>2</sub>, VOCs and particulate matter. As a result of the NO<sub>x</sub> and CO emissions, station 315 Wellsboro is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G. This facility is also subject to all the applicable requirements of Reasonably Available Control Technology (RACT).

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**Applications received and intent to issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015).**

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*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**OP-56-00204: Columbia Gas Transmission Corp.** (1700 MacCorkle Avenue, SE, Charleston, WV 25325) for operation of the Salisbury Compressor Station in Greenville Township, **Somerset County**.

**OP-32-00335: Superior Well Services, Ltd.** (P. O. Box 458, Rte. 119N, Black Lick, PA 15716) for operation of oil and gas well service at Well Services, Ltd. in Black Lick, **Indiana County**.

**PLAN APPROVALS**

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**Applications received and intent to issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015).**

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*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**05-05003: JLG Industries, Inc.** (1 JLG Drive, McConnellsburg, PA 17233-9533) for modification of three paint booths located at their Bedford, Weber Lane, facility located in Bedford Township, **Bedford County**.

**07-310-025A: Grannas Bros. Stone & Asphalt Co., Inc.** (P. O. Box 488, Hollidaysburg, PA 16648) for modification of the existing limestone crushing and screening plant controlled by a wet suppression in Catherine Township, **Blair County**. This proposal is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

**21-310-010D: Hempt Bros., Inc.** (205 Creek Road, P. O. Box 278, Camp Hill, PA 17001) for modification of two asphalt plants in Lower Allen Township, **Cumberland County**. The modification involves removing existing fabric collector and venturi scrubber, replacing with fabric collectors.

**22-303-012A: Pennsy Supply, Inc.** (P. O. Box 3331, Harrisburg, PA) to modify an existing batch asphalt plant in the City of Harrisburg, **Dauphin County**. This proposal involves replacing an existing fabric collector and cyclone collector with a fabric collector and knockout box.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**17-305-032B: Al Hamilton Contracting Co.** (R. D. 1, Box 87, Woodland, PA 16881) for construction of coal crusher at the Little Beth Tipple in Bradford Township, **Clearfield County**. This coal crusher is subject to Subpart Y of the Federal Standards of Performance for New Stationary Sources.

**19-317-007E: Wise Foods, Inc.** (228 Raseley Street, Berwick, PA 18603) for installation of an air cleaning device (a high efficiency oil mist eliminator) on a potato chip fryer in Berwick Borough, **Columbia County**.

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**PA-56-262A: Mostoller Landfill, Inc.** (420 Bedford St., Suite 300, Lexington, MA 02173) for installation of municipal waste landfill in Somerset Township, **Somerset County**.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**PA-37-304A: L&N Metallurgical Products Co.** (3 Fountain Avenue, Ellwood City, PA 16117) for installation of three skiving machines and associated fabric filter in Ellwood City, **Lawrence County**.

**Pittsburgh Corning Corp.**

**McKean County**

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department of Environmental Protection (Department) intends to issue a plan approval to Pittsburgh Corning Corp. (P. O. Box 39, Port Allegany, PA 16743), for their plant in Port Allegany, McKean County. The facility has a Title V Permit No. TV 42-009. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

Plan Approval No. PA 42-009A is for the installation of a wet collector. The installation of the control device will result in a 95% reduction in particulate matter emissions from the mold release application process. Plan Approval conditions will include daily visual monitoring and collector maintenance in accordance with manufacturing specifications. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at 230 Chestnut Street, Meadville, PA 16335.

Persons wishing to provide the Department with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following: name, address and telephone number of the person submitting the comments; identification of the proposed permit (Permit No. PA 42-009A); and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting

comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines the notification is sufficient. Written comments or requests for a public hearing should be directed to Robert E. Huston, Air Pollution Control Engineer, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

**REASONABLY AVAILABLE CONTROL  
TECHNOLOGY  
(RACT)**

**Applications received and intent to issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for an Operating Permit to comply with 25 Pa. Code § 129.91 for Reasonable Available Control Technology.**

*Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**48-0027: City of Bethlehem, City of Bethlehem Landfill** (Department of Public Works, 10 East Church Street, Bethlehem, PA 18018) in Lower Saucon Township, **Northampton County**. This RACT Operating Permit will establish specific inspection, maintenance and recordkeeping requirements. This RACT Operating Permit will be submitted to the United States Environmental Protection Agency as a revision to Pennsylvania's State Implementation Plan (SIP).

**Lukens Steel Company (Operating Permit OP-15-0010)**

<i>Source</i>	<i>Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
3 Furnaces, 8 Soaking Pits 11 Boilers, 17 Heaters/ Preheaters and 1 EMS Dryer	204 NOx	Manufacturer Specifications	Implemented
Electric Arc Furnace C	53 NOx 104 VOC	Good Operating Procedure	Implemented
Electric Arc Furnace D	130 NOx 253 VOC	Good Operating Procedure	Implemented
4 Brandy BH-B&W Boilers	67 NOx	Annual Tune-Up or Adjustment	Implemented
10 Batch Heater Treating Furnaces	213 NOx	Annual Tune-Up or Adjustment	Implemented
Drever and 2 NAB Furnaces	148 NOx	Good Operating Procedure	Implemented
15 Soaking Pits	348 NOx	Annual Tune-Up or Adjustment	Implemented
EMS Boiler	20 NOx	Annual Tune-Up or Adjustment	Implemented
Zip Line Process	44 NOx	Manufacturer Specifications	Implemented
13 Emergency Generators and Pumps	500 Hours	Manufacturer Specifications	Implemented
4 EMS Preheaters	25 NOx	Manufacturer Specifications	Implemented
Caster	9 VOC	Good Operating Procedure	Implemented

**TEVA Pharmaceuticals USA (Operating Permit OP-09-0010)**

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Pony Mixer	24	Direct Compression Process	Implemented

The facility is a minor NOx source.

**Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen (NOx) and Volatile Organic Compounds (VOC); Notice of Public Hearing**

**Approval of Reasonably Available Control Technology (RACT) Plans for:**

**Lukens Steel Company (City of Coatesville, Chester County)**

**TEVA Pharmaceuticals USA (West Rockhill Township, Bucks County)**

**Knoll, Inc. (Upper Hanover Township, Montgomery County)**

The Department of Environmental Protection (Department) has made a preliminary determination to approve RACT plans as amendments to the State Implementation Plan (SIP) for the above facilities. The proposed SIP revisions do not adopt new regulations. They incorporate the provisions and requirements contained in RACT approvals for these facilities to comply with current regulations.

These preliminary determinations, if finally approved, will be incorporated into Plan Approvals and/or Operating Permits for the facilities and will be submitted to the United States Environmental Protection Agency (EPA) as revisions to Pennsylvania's SIP.

The following is a summary of the preliminary RACT determinations for these facilities:

**Knoll, Inc. (Operating Permit OP-46-0014)**

<i>Source</i>	<i>RACT Determination</i>	<i>Implementation Schedule</i>
Wood Finishing Operation	Compliance with 25 Pa. Code §§ 129.51 and 129.52; and EPA control technique guideline limits on wood furniture through 24-hour emission averaging	Implemented
Adhesive Operation	30 tons/year of VOC limit; Good Air Pollution Practices	Implemented
Cleanup Operations	Use solvents containing less than 8% by weight of VOC	Implemented
Plantwide	Leak detection and training plan	Implemented

One public hearing will be held for the purpose of receiving comments on the proposed SIP revisions. The hearing will be held at 2 p.m. on March 11, 1999, at the Department's Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA. The hearing will represent the opportunity for oral comment to the Department on the proposed SIP revisions and will not be a question and answer session. Persons wishing to present testimony at the hearing are encouraged to contact Clarke Rupert, DEP Community Relations Coordinator, at (610) 832-6020 to register prior to the hearing, but may also register at the hearing. Those unable to attend the hearing but who wish to comment should send their written comments to Francine Carlini, Air Quality Program Manager, Department of Environmental Protection, Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428 on or before March 11, 1999.

Individuals in need of accommodations as provided for in the Americans With Disabilities Act who would like to attend the hearing should contact Clarke Rupert at (610) 832-6020 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

Copies of the pertinent documents are available for review at the Southeast Regional Office. Appointments for scheduling a review may be made by calling (610) 832-6268.

**Approval of Reasonable Available Control Technology (RACT) Plans for City of Bethlehem Landfill, Lower Saucon Township, Northampton County**

The Department of Environmental Protection (Department) has made a preliminary determination to approve the RACT plans and proposes to revise the State Implementation Plan (SIP) for City of Bethlehem Landfill, 10 East Church Street, Bethlehem, PA 18018.

The proposed SIP revisions do not adopt new regulations. They incorporate the provisions and requirements contained in the RACT approvals for this facility to comply with current regulations.

The preliminary RACT determinations, if finally approved, will be incorporated into Plan Approval/Operating Permit for the facility and will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

The main source at the facility is the landfill. The following is the summary of the preliminary RACT determination for this facility:

<i>Source</i>	<i>NOx RACT Limit</i>	<i>Control Device</i>	<i>Implementation Schedule</i>
Landfill	Subpart WWW	Flare	5/31/99

This facility is not subject to NOx RACT requirements.

A public hearing will be held for the purpose of receiving comments on the proposed Plan Approval/Operating Permit and the proposed SIP revisions. The hearings will be held on March 19, 1999, at 10 a.m. at the Department of Environmental Protection, Bethlehem District Office, 4530 Bath Pike, Bethlehem, PA 18017. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Mark Carmon, Community Relations Coordinator, at (717) 826-2511 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the oral testimony. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with disabilities who wish to attend the hearing and who require an auxiliary aid, service or other accommodation to participate in the proceedings, should

contact Richard Shudak of DEP at (717) 826-2060 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing, but wish to comment, should provide written comments to Thomas A. DiLazaro, Air Quality Program Manager, Pennsylvania DEP, 2 Public Square, Wilkes-Barre, PA 18711. Comments should be submitted within 30 days of this publication in the *Pennsylvania Bulletin*.

All the pertinent documents are available for review from 8 a.m. to 4 p.m. in the Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711. Appointments for scheduling a review may be made by calling (717) 826-2511.

**Approval of Reasonably Available Control Technology (RACT) plan for Wood-Mode, Inc. in Middlecreek Township, Snyder County**

The Department of Environmental Protection (Department) has made a preliminary determination to approve a



*Source*

- Hand wipe/repair stations (Alpine and Building A-2)
- Cleanup and washoff stations
- Lumber drying operation
- Veneering operation

One public hearing will be held for the purpose of receiving comments on the proposed operating permit and the proposed SIP revision. The hearing will be held on March 15, 1999, at 1 p.m. at the Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at (570) 327-3659 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

*RACT limitation/requirement*

- The VOC emissions from Alpine spray booths BFS-1-9 and BFS-1-10 shall not exceed 13 tons in any 12 consecutive month period.
- The VOC emissions from Alpine spray booths BFS-1-7, BFS-1-8, BFS-1-11 and BFS-1-12 shall not exceed 112.8 tons in any 12 consecutive month period.
- The VOC emissions from Building A-2 spray booth AFS-2-3 shall not exceed 36.7 tons in any 12 consecutive month period.
- All finishing materials shall be applied with HVLP, airless or air-assisted airless spray guns.
- The VOC content of any finishing material applied in this area shall not exceed 6.4 pounds per gallon (minus water) unless 25 Pa. Code § 129.52 sets a more stringent limit.
- All finishing materials shall be manually applied by brush or rag.
- The VOC emissions from the Alpine hand wipe/repair stations shall not exceed 46.6 tons in any 12 consecutive month period.
- The VOC emissions from the Building A-2 hand wipe/repair stations shall not exceed 47.4 tons in any 12 consecutive month period.
- Various material handling and work practices intended to minimize VOC emissions are to be followed.
- The VOC emissions resulting from the cleaning of equipment associated with the "Main line" finishing line shall not exceed 3.8 tons in any 12 consecutive month period.
- The total facility cleanup and washoff station VOC emissions shall not exceed 77.24 tons in any 12 consecutive month period.
- The VOC emissions shall not exceed 19.74 tons in any 12 consecutive month period.
- Adhesives shall only be applied by roll coater.
- The VOC content of any urea formaldehyde adhesives shall not exceed .08 pound per gallon of adhesive.
- The VOC content of any epoxy adhesives shall not exceed 1.03 pounds per gallon of adhesive.
- The VOC content of any polyvinyl acetate adhesives shall not exceed .014 pound per gallon of adhesive.
- The VOC emissions shall not exceed 21.3 tons in any 12 consecutive month period.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni at (570) 327-3659 or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing, but wishing to comment, should provide written comments to David W. Aldenderfer, Air Quality Environmental Program Manager, Pennsylvania DEP, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Comments must be received by March 30, 1999.

All pertinent documents are available for review from 8 a.m. to 4 p.m. in the Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling (570) 327-3693.

### **Approval of Reasonably Available Control Technology (RACT) plan for Bellefonte Lime Company, Inc. in Spring Township, Centre County**

The Department of Environmental Protection (Department) has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) plan and an amendment to the State Implementation Plan (SIP) for a lime production facility (Pleasant Gap Plant) owned and operated by Bellefonte Lime Company, Inc. in Spring Township, Centre County.

#### *Source*

- 3 rotary lime kilns (Nos. 1, 2 and 3)
- 2 small waste oil furnaces (.3 million and .4 million BTU/hour respectively)

One public hearing will be held for the purpose of receiving comments on the proposed operating permit and the proposed SIP revision. The hearing will be held on March 15, 1999, at 1 p.m. at the Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at (570) 327-3659 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni at (570) 327-3659 or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing, but wishing to comment, should provide written comments to David W. Aldenderfer, Air Quality Environmental Program Manager, Pennsylvania DEP, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Comments must be received by March 30, 1999.

All pertinent documents are available for review from 8 a.m. to 4 p.m. in the Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling (570) 327-3693.

## **MINING**

### **APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES**

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the appli-

The proposed SIP revision does not adopt new regulations. It incorporates the provisions and requirements contained in the RACT approval for the facility to comply with current regulations.

The preliminary RACT determination, if finally approved, will be incorporated into an operating permit for the facility and will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

The following is a summary of the preliminary RACT determination for this operation:

#### *Nitrogen oxides emission limit*

- 8.8 pounds per ton of lime produced
- maintain and operate in accordance with manufacturers' specifications and good air pollution control practices

cable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a

statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

*Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.*

#### *Coal Applications Received*

**03940103R. Seven Sisters Mining Co., Inc.** (200 US Rt. 22, Delmont, PA 15626). Renewal application received for continued reclamation of a bituminous surface mine located in South Bend Township, **Armstrong County**. Receiving streams: an unnamed tributary to Fagley Run and Fagley Run. Renewal application received: January 26, 1999.

**63860104. PennBalt Inc.** (P. O. Box 287, Joffre, PA 15053-0287). Revision application received to change postmining land use from prime forestland to land occasionally cut for hay on an existing bituminous surface mine located in Smith Township, **Washington County**, proposed to affect 57 acres. Receiving streams: unnamed tributary to Racoon Creek to the Ohio River. Revision application received: January 27, 1999.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*

**16940101. Reichard Contracting, Inc.** (R. D. 3, Box 20, New Bethlehem, PA 16242). Renewal of an existing bituminous surface strip and beneficial use of fly ash operation in Porter Township, **Clarion County** affecting 65.5 acres. Receiving streams: One unnamed tributary to Leatherwood Creek to Redbank Creek to the Allegheny River; two unnamed tributaries to Long Run and Long Run to Redbank Creek to the Allegheny River. Application for reclamation only. Application received January 27, 1999.

*McMurray District Office, 3913 Washington Road, McMurray, PA 15317.*

**30841316. Consol PA Coal Co.** (P. O. Box 174, Grayville, PA 15377), to revise the permit for the Bailey Mine in Richhill Township, **Greene County** to add 3.2 surface acres and train load out/fill/weigh station, no additional discharges. Application received December 17, 1998.

**30831303. Cyprus Cumberland Resources Corp.** (145 Elm Dr., Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whiteley Township, **Greene County** to add surface and underground permit and subsidence control plan acres, unnamed tributary to Dyers Fork and unnamed tributary to Whiteley Creek. Application received December 21, 1998.

**32951301. Penn American Coal, L. P.** (R. D. 1, Box 119A, Avonmore, PA 15618), to revise the permit for the Burrell Mine in Burrell Township, **Indiana County**, revision to add 9.2 surface acres for new haul road, no additional discharges. Application received December 23, 1998.

**32981302. Penn American Coal, L. P.** (R. D. 1, Box 119A, Avonmore, PA 15618), to operate the Lower Burrell Mine in Burrell Township, **Indiana County**, new underground coal mine, Weirs Run to Blacklick Creek. Application received December 30, 1998.

**30841312. Consolidation Coal Co.** (P. O. Box 100, Osage, WV 26543), to revise the permit for the Blacksville No. 2 Mine in Wayne Township, **Greene County** to drill 39 degasification boreholes, add 19.5 surface acres, stream crossing and road variance, no additional discharges. Application received January 4, 1999.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

#### *Noncoal Applications Received*

**01930302C2. ISP Minerals, Inc.** (1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214), renewal of NPDES Permit No. PA0223239 in Hamiltonban Township, **Adams County**, receiving stream—unnamed tributary to Tom's Creek. Application received January 15, 1999.

**6476SM26T. Coldsmith Construction Company, Inc.** (1555 Coldsmith Road, Shippensburg, PA 17257), transfer of an existing quarry operation from Upland Acres Corp. in Hamilton Township, **Franklin County** affecting 4.0 acres, receiving stream—none. Application received January 15, 1999.

**7475SM2T. Dally Slate Company** (500 Railroad Avenue, P. O. Box 27, Pen Argyl, PA 18072), transfer of an existing quarry operation in Pen Argyl Borough, **Northampton County** affecting 12.0 acres, receiving stream—none. Application received January 15, 1999.

**7475SM6T. Dally Slate Company** (500 Railroad Avenue, P. O. Box 27, Pen Argyl, PA 18072), transfer of an existing quarry operation from Anthony Dally & Sons, Inc. in Pen Argyl Borough, **Northampton County** affecting 16.0 acres, receiving stream—none. Application received January 15, 1999.

**7475SM7T. Dally Slate Company** (500 Railroad Avenue, P. O. Box 27, Pen Argyl, PA 18072), transfer of an existing quarry operation from Anthony Dally & Sons, Inc. in Pen Argyl Borough, **Northampton County** affecting 45.24 acres, receiving stream—Waltz Creek. Application received January 15, 1999.

**48820501T2. Dally Slate Company** (500 Railroad Avenue, P. O. Box 27, Pen Argyl, PA 18072), transfer of an existing quarry operation from Anthony Dally & Sons, Inc. in Pen Argyl Borough, **Northampton County** affecting 77.2 acres, receiving stream—Bushkill Creek. Application received January 15, 1999.

**48900301T. Dally Slate Company** (500 Railroad Avenue, P. O. Box 27, Pen Argyl, PA 18072), transfer of an existing quarry operation from Anthony Dally & Sons, Inc. in Pen Argyl Borough, **Northampton County** affecting 8.6 acres, receiving stream—none. Application received January 15, 1999.

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

#### *Industrial Minerals NPDES Permit Renewal Applications Received*

**11940301. Pheasant & Shearer** (1922 Ohio Street, Johnstown, PA 15904-1017), renewal of NPDES Permit No. PA0212873, East Taylor Township, **Cambria County**, receiving stream Hinckston Run. NPDES renewal application received January 26, 1999.

#### **Bureau of Deep Mine Safety**

##### **Request for Variance**

##### **RoxCoal, Inc.**

The Bureau of Deep Mine Safety has approved RoxCoal, Inc.'s request for a variance from the require-



ments of section 242(c) of the Pennsylvania Bituminous Coal Mine Act at the Longview Mine. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Trader by calling (724) 439-7469 or from the BDMS web site at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

*Summary of the request:* RoxCoal, Inc. requested a variance from section 242(c) of the Pennsylvania Bituminous Coal Mine Act to allow for the common ventilation of the belt conveyor entry with other entries at the Longview Mine. The proposal accords protections to persons and property substantially equal to or greater than the requirements of section 242(c).

The basis for the Bureau's approval can be summarized in the following statements:

1. Longview's plan provides early warning fire detection by the use of carbon monoxide (CO) detectors, and audible alarm over the mine communication system.
2. Longview's plan provides a separate, isolated intake escapeway that will be maintained at a higher ventilation pressure than the belt and common entries.
3. Longview's plan provides for the belt and common entries to serve as an alternate intake escapeway.
4. There are significant health and safety benefits associated with allowing entries in common with the belt entry. Repair and maintenance work in the belt entry is afforded safer access. Improved visual safety inspections are facilitated by open crosscuts.

This approval is limited to a variance from the requirements in section 242(c) requiring that the belt entry is isolated from other entries. All other terms and requirements of section 242(c) shall remain in effect. This approval applies to all areas developed after May 20, 1998. Continued authorization for operation under the approval is contingent upon compliance with the measures described in Longview's plan.

#### **RoxCoal, Inc.**

The Bureau of Deep Mine Safety has approved RoxCoal, Inc.'s request for a variance from the requirements of section 242(c) of the Pennsylvania Bituminous Coal Mine Act for the Barbara B Mine. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Trader by calling (724) 439-7469 or from the BDMS web site at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

*Summary of the request:* RoxCoal requested a variance from section 242(c) of the Pennsylvania Bituminous Coal Mine Act to allow for the common ventilation of the belt conveyor entry with other entries at the Barbara B Mine. The proposal accords protections to persons and property substantially equal to or greater than the requirements of section 242(c).

The basis for the Bureau's approval can be summarized in the following statements:

1. Barbara B's plan provides early warning fire detection by the use of carbon monoxide (CO) detectors, and audible alarm over the mine communication system.
2. Barbara B's plan provides a separate, isolated intake escapeway that will be maintained at a higher ventilation pressure than the belt and common entries.
3. Barbara B's plan provides for the belt and common entries to serve as an alternate intake escapeway.

4. There are significant health and safety benefits associated with allowing entries in common with the belt entry. Repair and maintenance work in the belt entry is afforded safer access. Improved visual safety inspections are facilitated by open crosscuts.

This approval is limited to a variance from the requirements in section 242(c) requiring that the belt entry is isolated from other entries. All other terms and requirements of section 242(c) shall remain in effect. This approval applies to all areas developed after May 20, 1998. Continued authorization for operation under the approval is contingent upon compliance with the measures described in Barbara B's plan.

#### **Genesis, Inc.**

The Bureau of Deep Mine Safety has approved Genesis, Inc.'s request for a variance from the requirements of section 242(c) of the Pennsylvania Bituminous Coal Mine Act at the Solar No. 7 Mine. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Trader by calling (724) 439-7469 or from the BDMS web site at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

*Summary of the request:* Genesis, Inc. requested a variance from section 242(c) of the Pennsylvania Bituminous Coal Mine Act to allow for the common ventilation of the belt conveyor entry with other entries at the Solar No. 7 Mine. The proposal accords protections to persons and property substantially equal to or greater than the requirements of section 242(c).

The basis for the Bureau's approval can be summarized in the following statements:

1. Solar No. 7's plan provides early warning fire detection by the use of CO detectors, and audible alarm over the mine communication system.
2. Solar No. 7's plan provides a separate, isolated intake escapeway that will be maintained at a higher ventilation pressure than the belt and common entries.
3. Solar No. 7's plan provides for the belt and common entries to serve as an alternate intake escapeway.
4. There are significant health and safety benefits associated with allowing entries in common with the belt entry. Repair and maintenance work in the belt entry is afforded safer access. Improved visual safety inspections are facilitated by open crosscuts.

This approval is limited to a variance from the requirements in section 242(c) requiring that the belt entry is isolated from other entries. All other terms and requirements of section 242(c) shall remain in effect. This approval applies to all areas developed after May 20, 1998. Continued authorization for operation under the approval is contingent upon compliance with the measures described in Solar No. 7's plan and the following condition. Carbon monoxide (CO) sensors shall be set to alarm at the lowest practicable setting and be positioned in the ventilation current to provide the most effective detection.

#### **RoxCoal, Inc.**

The Bureau of Deep Mine Safety has approved RoxCoal, Inc.'s request for a variance from section 242(c) of the Pennsylvania Bituminous Coal Mine Act for the Agustus Mine. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Trader by calling

(724) 439-7469 or from the BDMS web site at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

*Summary of the request:* RoxCoal requested a variance from section 242(c) of the Pennsylvania Bituminous Coal Mine Act to allow for the common ventilation of the belt conveyor entry with other entries at the Agustus Mine. The proposal accords protections to persons and property substantially equal to or greater than the requirements of section 242(c).

The basis for the Bureau's approval can be summarized in the following statements:

1. Agustus' plan provides early warning fire detection by the use of carbon monoxide (CO) detectors, and audible alarm over the mine communication system.
2. Agustus' plan provides a separate, isolated intake escapeway that will be maintained at a higher ventilation pressure than the belt and common entries.
3. Agustus' plan provides for the belt and common entries to serve as an alternate intake escapeway.
4. There are significant health and safety benefits associated with allowing entries in common with the belt entry. Repair and maintenance work in the belt entry is afforded safer access. Improved visual safety inspections are facilitated by open crosscuts.

This approval is limited to a variance from the requirements in section 242(c) requiring that the belt entry is isolated from other entries. All other terms and requirements of section 242(c) shall remain in effect. This approval applies to all areas developed after May 20, 1998. Continued authorization for operation under the approval is contingent upon compliance with the measures described in Agustus' plan.

#### **Keystone Coal Mining Corporation**

The Bureau of Deep Mine Safety has received a request for variance from Keystone Coal Mining Corporation. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Trader by calling (724) 439-7469 or from the BDMS web site at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

The Department is publishing a summary of the request to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. All comments should be addressed to: Richard E. Stickler, Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

Section 702 of the Bituminous Coal Mine Act (52 P. S. §§ 701 and 702) (act) provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 242(c) states that where belt conveyors are installed, main stoppings and regulators shall be so arranged as to reduce the quantity of air traveling in the belt conveyor entry to a minimum for effective ventilation and to provide an intake air split as an escapeway from the face area to the main air current.

*Summary of the request:* Keystone Coal Mining Corporation requests a variance to allow for the common ventilation of belt conveyor entries with other entries at the Urling No. 1 Mine.

## **APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT**

### **ENCROACHMENTS**

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department). Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311–1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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#### **Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1–693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.**

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*Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E09-781.** Encroachment. **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. To construct and maintain a pumping station located along the south side of PA Route 313 and approximately 1/2 mile east of Quakertown Borough, and to construct and maintain a sewer line extending southwest from the pumping station for approximately 1.2 miles to a point adjacent to Morgan Creek (TSF). This project will impact the Morgan Creek 100 year floodplain and adjacent wetlands (Quakertown, PA Quadrangle, begin N: 11.45 inches; W: 9.2 inches and end N: 8.5 inches; W: 11.1 inches) in Richland Township, **Bucks County**.

**E09-783.** Encroachment. **Middletown Township**, 2140 Trenton Road, Levittown, PA 19056-1483. To construct and maintain approximately 300 linear feet of stream bank stabilization along the northeast bank of Chubb Run (WWF, MF). The bank stabilization will be accomplished using a gabion basket retaining wall structure ranging from 4.5 feet to 9 feet in height. The project site is located along the section of Chubb Run between Lincoln Highway and Eastbrook Avenue, approximately 700 feet east from the intersection of Lincoln Highway (Business Route 1) and Neshaminy Street (Langhorne, PA Quadrangle N: 5.5 inches; W: 7.3 inches) in Middletown Township, **Bucks County**. This application also includes notification of intent to construct and maintain stream bank stabilization in accordance with the Department's General Permit BDWM-GP-3 (Bank rehabilitation and Protection), at three locations along a tributary of Chubb Run: 1) At southern side of Highland Avenue, at the point approximately 400 feet east of the intersection with F Avenue; 2) Along the Gin Swale (a tributary to the Neshaminy Creek) at a point approximately 100 feet downstream of Playwicki Street; 3) At a point approxi-

mately 200 feet north of the U. S. Rt. 1 (Lincoln Highway) near its intersection with Pleasant Avenue.

*Southcentral Regional Office: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.*

**E05-274.** Encroachment. **Bedford County Commissioners**, 230 S. Juliana Street, Bedford, PA 15522. To rehabilitate and maintain Hewitt Covered Bridge over Town Creek on T-305 located in the Village of Hewitt (Beans Cove, PA Quadrangle N: 0.8 inch; W: 1.6 inches) in Southampton Township, **Bedford County**.

**E29-077.** Encroachment. **Fulton County Commissioners**, 201 North Street, McConnellsburg, PA 17233. To remove the existing structure and to construct and maintain a single span prestressed adjacent box beam bridge over Cove Creek on T-338 located just west with its intersection with PA 928 (Big Cove Tannery, PA Quadrangle N: 13.7 inches; W: 7.8 inches) in Ayr Township, **Fulton County**.

**E38-123.** Encroachment. **South Londonderry Township**, Rosemary Kays, P. O. Box 3, Campbelltown, PA 17010. To develop the Lawn Community Park by placing fill in a de minimis area of wetlands equal to 0.03 acre and regrading 1.8 acres for construction of a baseball field and parking lot within the 100-year floodplain of the Conewago Creek. The park is located on the northeast side of Railroad Street (Elizabethtown, PA Quadrangle N: 17.5 inches; W: 5.5 inches) in South Londonderry Township, **Lebanon County**.

**E67-602.** Encroachment. **Hempt Brothers, Inc.**, Max Hempt, 205 Creek Rd., Camp Hill, PA 17011. To place fill in a de minimis area of wetlands equal to 0.009 acre for the purpose of constructing an access drive to Lot No. 1 for the Springer Lane Project located west of Old York Road and Springer Lane intersection (Steelton, PA Quadrangle N: 15.0 inches; W: 15.0 inches) in Fairview Township, **York County**.

**E67-654.** Encroachment. **Windsor Township**, 400 Bahns Mill Road, Red Lion, PA 17356. To remove an existing structure and to construct and maintain a double 12 foot by 4 foot concrete box culvert and to place 20 linear feet of riprap at both inverts to this culvert on Riddle Road over Kreutz Creek just south of SR 0124 (Red Lion, PA Quadrangle N: 15.5 inches; W: 14.0 inches) in Windsor Township, **York County**. A de minimis area of wetlands equal to 300 square feet will be impacted as a result of this project.

**E67-655.** Encroachment. **PA Department of Transportation**, Engineering District 8-0, John Rautzahn, 2140 Herr St., Harrisburg, PA 17103. To remove an existing structure and to construct and maintain a double span concrete spread box beam bridge over the Little Conewago Creek (CH93-TSF). Each span is 78.5 feet wide with a minimum underclearance of 13.6 feet. The bridge is located on SR 1021, Section 001, Segment 0010, Offset 1735 (Locust Point Road) north of SR 0921 (York Haven, PA Quadrangle N: 11.9 inches; W: 17.0 inches) in East Manchester and Conewago Townships, **York County**.

**E67-656.** Encroachment. **Flight Systems, Inc.**, Robert Shaffner, 505 Fishing Creek Rd., Lewisberry, PA 17339. To place fill and a gabion wall along 130 linear feet of an unnamed tributary to Fishing Creek (CH93-TSF) and to construct a parking lot adjacent to Flight Systems, Incorporated South Plant located north of Fishing Creek Road

near exit 16 of I-83 (Steelton, PA Quadrangle N: 9.93 inches; W: 12.65 inches) in Fairview Township, **York County**.

*Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.*

**E41-442.** Encroachment. **Richard and Eric Rankinen**, 2356 Riverside Drive, South Williamsport, PA 17702-6835. To remove selected submerged old growth timber logs, not including the log cribs, from the West Branch Susquehanna River bed within a 12-mile bank-to-bank reach immediately upstream of the Hepburn Street Dam (Williamsport, PA Quadrangle N: 19.6 inches; W: 0.9 inch to Linden, PA Quadrangle N: 12.5 inches; W: 16.5 inches) in the City of Williamsport, Loyalsock Township, South Williamsport Borough, Duboistown Borough, Armstrong Township, Susquehanna Township, Nipponose Township, Piatt Township and Woodward Township, **Lycoming County**. This project proposes to insignificantly disturb 12 miles of streambed of the West Branch of the Susquehanna River, which is designated a warm water fishery.

*Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1261.** Encroachment. **Public Auditorium Authority of Pittsburgh and Allegheny County**, Regional Resource Center, 425 Sixth Avenue, Suite 1410, Pittsburgh, PA 15219-1819. To construct and maintain a major league baseball stadium known as PNC Park within the flood plain of the Allegheny River (WWF) and to construct and maintain a river bulkhead wall and its associated fill for a distance of approximately 713 feet within the channel and floodway of the Allegheny River. The stadium will be located on the south side of West General Robinson Street between Stadium Drive and Federal Street near River Mile 0.5 on the right bank side of the Allegheny River (Pittsburgh West, PA Quadrangle N: 12.9 inches; W: 0.7 inch) in the City of Pittsburgh, **Allegheny County**.

**E26-252.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. To remove the existing structure (Arch Street Bridge) and to construct and maintain a concrete box culvert having a normal clear span of 4.65 M and an underclearance of 1.57 M (invert depressed 0.3 M) in Connell Run (WWF) on S. R. 1037, Section 01R at a point approximately 800 feet upstream of the confluence of said stream with the Youghiogheny River, also to construct and maintain two outfall structures in said stream. Project is located in (Connellsville, PA Quadrangle N: 2.8 inches; W: 12.7 inches) the City of Connellsville, **Fayette County**.

**E65-714.** Encroachment. **Pennsylvania Department of General Services**, Bureau of Engineering and Architecture, 18th and Herr Streets, Harrisburg, PA 17125. To construct and maintain a flood protection project consisting of approximately 3,100 linear feet of earthen levee, 3,200 linear feet of concrete floodwall and ponding areas along the north bank of Brush Creek (CWF) for the purpose of protecting public safety and property along Brush Creek (Irwin, PA Quadrangle N: 14.7 inches; W: 1.1 inches) in the City of Jeannette and Penn Borough, **Westmoreland County**.

## WATER ALLOCATIONS

**Applications filed under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

*Southcentral Regional Office: Field Operations, Sanitarian Regional Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.*

**WA 06-1011.** Water Allocation. **Citizens Utilities of PA, Berks County.** The applicant is requesting the right to purchase 2.0 million gallons per day from the City of Reading.

*Northwest Regional Office: Regional Manager, Water Supply Management, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6899.*

**WA 25-1003.** Water Allocation. **North East Borough,** 58 East Main Street, North East, PA 16428, for the right to withdraw 3.4 mgd from Lake Erie. The proposed Lake Erie withdrawal will be in the vicinity of Freeport Beach in North East Township, **Erie County**, to meet projected water demands of the Borough. This application is contingent upon the issuance of a PWS permit for the construction of an 18-inch raw water transmission main from the withdrawal site to the Borough's existing treatment plant.

## ACTIONS

### FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

**[National Pollution Discharge Elimination System Program (NPDES)]**

#### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

##### (Part I Permits)

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should

contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### Industrial waste and sewerage actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6130.*

**WQM Permit No. 1598422.** Sewerage. **Valley Forge Sewer Authority,** 333 Pawling Road, Phoenixville, PA 19460. Construction and operation of Perkiomen pump station adjacent to Valley Forge Sewer Authority Treatment plant located in Schuylkill Township, **Chester County.**

**WQM Permit No. 1598417.** Sewerage. **Oxford Area Sewer Authority,** P. O. Box 380, Oxford, PA 19363. Construction and operation of a sewage pump station to serve Locksley Glen subdivision located in East Nottingham Township, **Chester County.**

**WQM Permit No. 4698432.** Sewerage. **Bruce K. Entwisle,** 500 Sweedsford Road, Ambler, PA 19002. Construction and operation to serve a single family residence located in Lower Gwynedd Township, **Montgomery County.**

**WQM Permit No. 0998424.** Sewerage. **Bucks County Water and Sewer Authority,** 1275 Almshouse Road, Warrington, PA 18976. Construction and operation of a 12 inch sewer line and a pump station which will include an upgrade and reconstruction of Morgan Creek pump Station No. 3 located in Richland Township, **Bucks County.**

**WQM Permit No. 0998420.** Sewerage. **Jeanette DeMoreland,** 34 Tohickon Drive, Ottsville, PA 18942. Construction and operation of a single residential STP serving DeMoreland property at 506 Old Bethlehem Road located in Haycock Township, **Bucks County.**

**NPDES Permit No. PA0043982.** Sewage. **Utilities Inc. of PA,** 5701 West Park Drive No. 101, Charlotte, NC 28217 is authorized to discharge from a facility located at Broad Run WWTP, 1202 Sawmill Road, Downingtown, PA 19335 located in West Bradford Township, **Chester County** into East Branch of Brandywine Creek.

**NPDES Permit No. PA0057576.** Sewage. **Bruce K. Entwisle,** 500 Sweedsford Road, Lower Gwynedd, PA 19002 is authorized to discharge from a facility located in Lower Gwynedd Township, **Montgomery County** into an unnamed tributary to Wissahickon Creek.

**NPDES Permit No. PA0052761.** Sewage. **Buckingham Valley Nursing Home,** P. O. Box 447, Buckingham, PA is authorized to discharge from a facility located in Buckingham Township, **Bucks County** to an unnamed tributary to Mill Creek.

**NPDES Permit No. PA0055263.** Sewage. **Executive Center Condominium Association c/o B. C. Property Management,** 220 Farm Lane, Doylestown, PA 18901 is authorized to discharge from a facility located in Plumstead Township, **Bucks County** into an unnamed tributary to North Branch Neshaminy Creek.

**NPDES Permit No. PA0012190.** Industrial waste. **Precision Tube Company,** 287 Wissahickon Avenue, North Wales, PA 19454 is authorized to discharge from a facility located at Mueller Streamlined Company, Upper Gwynedd Township, **Montgomery County** into Wissahickon Creek.

**NPDES Permit No. PA0011746.** Industrial waste. **PA-American Water Company**, 800 West Hershey Park Drive, P. O. Box 888, Hershey, PA 17033-0888 is authorized to discharge from a facility located at Norristown Water Purification Plant in Norristown Borough, **Montgomery County** into Schuylkill River.

**NPDES Permit No. PA0052205.** Sewage. **John Murphy Jr.**, 89 Chestnut Valley Drive, Doylestown, PA 18901 is authorized to discharge from a facility located in Doylestown Township, **Bucks County** to an unnamed tributary to Cooks Run.

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**Permit No. 4098404.** Sewerage. **Dallas Area Municipal Authority**, 530 South Memorial Highway, Shavertown, PA 18708. Permit to construct a gravity sewer extension and pump station with force main to serve Brown Manor development, located in Kingston Township, **Luzerne County**.

**NPDES Permit No. PA-0029432.** Sewerage. **PA Department of Public Welfare**, P. O. Box 2675, Harrisburg, PA 17105-0000 is authorized to discharge from a facility located in Newton Township, **Lackawanna County**, to Falls Creek.

**NPDES Permit No. PA-0061476.** Sewerage. **Edgewood Mobile Home Park**, R. R. 1, Box 313, Carbondale, PA 18407 is authorized to discharge from a facility located in Glenburn Township, **Lackawanna County**, to an unnamed tributary of Ackerly Creek.

**NPDES Permit No. PA-0063207.** Sewerage. **Scott Township Sewer and Water Authority**, R. R. 1, Box 324, Jermyn, PA 18433 is authorized to discharge from a facility located in Scott Township, **Lackawanna County**, to South Branch Tunkhannock Creek.

**NPDES Permit No. PA-0024716.** Sewerage. **Freeland Borough Municipal Authority**, 711 Birkbeck Street, Freeland, PA 18224 is authorized to discharge from a facility located in Foster Township, **Luzerne County**, to Wet Weather Channel to Pond Creek.

**NPDES Permit No. PA-0042048.** Sewerage. **Conyngnam Borough Authority**, P. O. Box 469, Conyngham, PA 18219 is authorized to discharge from a facility located in Sugarloaf Township, **Luzerne County**, to Nescopeck Creek.

**NPDES Permit No. PA-0061417.** Industrial waste. **Northeastern Power Company**, P. O. Box 7, McAdoo, PA 18237 is authorized to discharge from a facility located in Kline Township, **Schuylkill County**, to the Little Schuylkill River.

*Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.*

**NPDES Permit No. PA PAG043603.** Sewerage. **Denver L. and Karen F. Black**, 10725 Tim Road, Orrstown, PA 17244 is authorized to discharge from a facility located in Lurgan Township, **Franklin County** to an unnamed tributary to Paxton Run.

**NPDES Permit No. PA0084778.** Sewerage. **Granville Township**, 100 Helen Street, Lewistown, PA 17044 is authorized to discharge from a facility located in Oliver Township, **Mifflin County** to the receiving waters named Strodes Run.

**NPDES Permit No. PA0028142.** Sewerage. **Pennsylvania National Guard**, DMVA, State Armory Board

Building 0-47, Fort Indiantown Gap, Annville, PA 17003-5002 is authorized to discharge from a facility located in East Hanover Township, **Lebanon County** to the receiving waters named Swatara Creek.

**NPDES Permit No. PA0021806, Amendment No. 2.** Sewerage. **Annville Township**, P. O. Box 320, Annville, PA 17003 is authorized to discharge from a facility located in North Annville Township, **Lebanon County** to the receiving waters named Quittapahilla Creek.

**NPDES Permit No. PA0087921.** Sewerage. **Berwick Township**, 85 Municipal Road, Hanover, PA 17331 is authorized to discharge from a facility located in Berwick Township, **Adams County** to the receiving waters of an unnamed tributary of Pine Run.

**NPDES Permit No. PA0051861, Amendment No. 1.** Sewerage. **Penn Sylvan Realty Corporation**, R. R. 3, Box 3770, Mohnton, PA 19540-9231 is authorized to discharge from a facility located in Brecknock Township, **Berks County** to the receiving waters of an unnamed tributary of Rock Run.

**NPDES Permit No. PA0084255, Amendment No. 1.** Sewerage. **Swatara Mobile Home Park**, 2459 Grace Avenue, Lebanon, PA 17046 is authorized to discharge from a facility located in Swatara Township, **Lebanon County** to the receiving waters of an unnamed tributary of Swatara Creek.

**NPDES Permit No. PA0026875, Amendment No. 1.** Sewerage. **The Borough of Hanover**, 44 Frederick Street, Hanover, PA 17331 is authorized to discharge from a facility located in Conewago Township, **Adams County** to the receiving waters named South Branch Conewago Creek.

**NPDES Permit No. PA0037150, Amendment No. 2.** **Penn Township, York County Authority**, 20 Wayne Avenue, Hanover, PA 17331 is authorized to discharge from a facility located in Penn Township, **York County** to the receiving waters named Oil Creek.

**NPDES Permit No. PA0083747, Amendment No. 1.** Industrial. **Weaber, Inc.**, 1231 Mount Wilson Road, Lebanon, PA 17042 is authorized to discharge from a facility located in South Annville Township, **Lebanon County** to the receiving waters named Gingrich Run.

**NPDES Permit No. PA0085600.** Industrial. **Ono Industries, Inc.**, Route 22 West, P. O. Box 150, Ono, PA 17077 is authorized to discharge from a facility located in East Hanover Township, **Lebanon County** to the receiving waters named Reeds Creek.

**NPDES Permit No. PA0014605.** Industrial. **United Water Pennsylvania, Inc.**, 4211 East Park Circle, Harrisburg, PA 17111-0151 is authorized to discharge from a facility located in Fairview Township, **York County** to the receiving waters named Yellow Breeches Creek.

**Permit No. 3698412.** Sewage. **Lancaster Area Sewer Authority**, 130 Centerville Road, Lancaster, PA 17603. This permit approves the construction of a pump station in West Hempfield Township, **Lancaster County**.

**Permit No. 2898404.** Sewage. **Denver L. and Karen F. Black**, 10725 Tim Road, Orrstown, PA 17244. This permit approves the construction of sewage treatment facilities in Lurgan Township, **Franklin County**.

**Permit No. 2269201, Amendment No. 1.** Industrial. **Chloe Eichelberger Textiles, Inc.**, 142 Airport Drive, Middletown, PA 17057. This permit approves the con-

struction of impoundment and liner system and industrial waste treatment facilities in Lower Swatara Township, **Dauphin County**.

**Permit No. 0683406, Amendment No. 1.** Sewage. **Penn Sylvan Realty Corporation**, R. R. 3, Box 3770, Mohnnton, PA 19540-9231. This permit approves the modification to the construction of a sewage treatment plant and a spray field in Brecknock Township, **Berks County**.

*Northcentral Regional Office: 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.*

**NPDES Permit No. PA0027049.** Sewerage. **Williamsport Sanitary Authority**, 253 West Fourth Street, Williamsport, PA 17701-6113. Applicant granted permission to renew NPDES permit to discharge from the West plant sewer treatment facility, located at the City of Williamsport, **Lycoming County**.

**NPDES Permit No. PA0113298.** Sewerage. **Elkland Borough Authority**, 105 Parkhurst Street, Elkland, PA 16920. Applicant granted permission to renew NPDES permit to discharge treated sewage to the Cowanesque River. Facility located at Elkland Borough, **Tioga County**.

**NPDES Permit No. PA0060062.** Sewerage. **United States Department of Labor**, Red Rock Job Corps Center, P. O. Box 218, Lopez, PA 18628-0218. Applicant granted permission to renew NPDES permit to discharge treated sewage to unnamed tributary to Mehoopany Creek. Facility located at Colley Township, **Sullivan County**.

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6942.*

**NPDES Permit No. PA0101800.** Industrial waste. **Lord Corporation**, 601 South Street, P. O. Box 1050, Saegertown, PA 16433 is authorized to discharge from a facility located in Saegertown Borough, **Crawford County** to French Creek and Woodcock Creek.

**NPDES Permit No. PA0093157.** Sewage. **Moraine Camplands Association, Inc.**, 281 Staff Road, Slippery Rock, PA 16057 is authorized to discharge from a facility located in Brady Township, **Butler County** to an unnamed tributary to Big Run.

**NPDES Permit No. PA0038482.** Sewage. **Fox Township Sewer Authority**, Gahr Road, Kersey, PA 15846 is authorized to discharge from a facility located in Fox Township, **Elk County** to an unnamed tributary to Dagusahonda Run.

**NPDES Permit No. PA0222739.** Sewage. **Blooming Valley United Methodist Church**, 24740 State Street, Meadville, PA 16335 is authorized to discharge from a facility located in Blooming Valley Borough, **Crawford County**.

#### INDIVIDUAL PERMITS

##### (PAS)

The following NPDES Individual Permits for discharges of stormwater from construction activities have been issued.

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-G327	West Bradford Township 1385 Campus Drive Downingtown, PA 19335	West Bradford Township Chester County	Broad Run
PAS10-G329	East Vincent Township 262 Ridge Road Spring City, PA 19475	East Vincent Township Chester County	French Creek
PAS10-G336	Wooldridge Construction of PA 1500 Green Hill Road West Chester, PA 19380	East Goshen Township Chester County	West Branch Ridley Creek
PAS10-G341	Dominion Corporate Center Associates c/o Realen Properties, Inc. 725 Talamore Drive Ambler, PA 19002	Tredyffrin Township Chester County	Schuylkill River
PAS10-T014-R	Hough/Loew Associates, Inc. 55 Country Club Dr., Suite 200 Downingtown, PA 19335	Limerick Township Montgomery County	Unnamed Tributary to Brook Evans Creek

*Southcentral Region: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.*

**PAS-10-0416.** Individual NPDES. **Dauphin County General Authority**, 530 Harrisburg Street, Harrisburg, PA 17113. To implement an erosion and sedimentation control plan for streambanks stabilization, construction of footbridges, golf cart bridges and grading of golf course feature on 86 acres in Bedford Township, **Bedford County**. The project is located about 1 mile south of Bedford Borough (Bedford, PA Quadrangle N: 11.75 inches; W: 1.26 inches). Drainage will be to Shobers Run.

### INDIVIDUAL PERMITS (PAR)

The following parties have submitted Notices of Intent (NOIs) for Coverage under (1) General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania. The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection approves the following coverages under the specified General Permit.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

*List of NPDES and/or other  
General Permit Type*

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge By Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

*General Permit Type—PAG-2*

*Facility Location*

<i>County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Doylestown Township Bucks County	PAR10-D415	The Cutler Group, Inc. P. O. Box 629 Horsham, PA 19044	Neshaminy Creek	555 North Lane, Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6130
Milford Township Bucks County	PAR10-D416	Canary Group 401 Fairview Avenue Quakertown, PA 18951	Unnamed Tributary to Neshaminy Creek	555 North Lane, Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6130
Northampton Township Bucks County	PAR10-D417	Paulte Homes Corporation 1210 Northbrook Dr., Suite 150 Trevose, PA 19053	Unnamed Tributary to Neshaminy Creek	555 North Lane, Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6130
New Britain Township Bucks County	PAR10-D422	National Shrine of Czestochowa P. O. Box 2049 Doylestown, PA	North Branch Neshaminy Creek	555 North Lane, Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6130
Falls Township Bucks County	PAR10-D405	Accu-Fire 1241-R East Maple Avenue Langhorne, PA 19047	Van Sciver Lake	555 North Lane, Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6130
Newtown Township Bucks County	PAR10-D410	Orleans Home Builders One Greenwood Plaze 333 Street Rd. Bensalem, PA	Hough's Creek	555 North Lane, Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6130

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Hilltown Township Bucks County	PAR10-D355	Calvary Church of Souderton P. O. Box 84, Soudertown, PA	Mill Creek	555 North Lane, Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6130
Newtown Township Bucks County	PAR10-D357	Pitcairn Properties, Inc. 165 Township Line Rd., Suite 1500 Jenkintown, PA 19046	Tributary to Core Creek	555 North Lane, Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6130
Richland Township Bucks County	PAR10-D359	Americorp Development 476 West Street Road Warminster, PA 18974	Unnamed Tributary to Beaver Run	555 North Lane, Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6130
Plumstead Township Bucks County	PAR10-D361	Heritage-Steeple Chase, LP 3326 Old York Road, Suite B Furlong, PA 18925	Pine Run Creek	555 North Lane, Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6130
Sadsbury Township Chester County	PAR10-D286	Cosmos Development P. O. Box 656 Sadsbury, PA 19396	Buck Run	555 North Lane, Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6130
Bethel Township Delaware County	PAR10-J137	Chetty Builders, Inc. P. O. Box 805 Concordville, PA	Naamans Creek	555 North Lane, Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6130
Newtown Township Delaware County	PAR10-J140	Township of Newtown 209 Bishop Hollow Road Newtown Square, PA 19073	Foxes Run	555 North Lane, Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6130
Limerick Township Montgomery County	PAR10-T490	Neil and June Dreslin P. O. Box 53 Limekiln, PA 19535	Unnamed Drainage way into Mingo Creek	555 North Lane, Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6130
Luzerne County Hazle Township	PAR10R169	Louis and Elaine Beltrami c/o Thomas M. Durkin & Sons, Inc. 3030 Grant St. Philadelphia, PA 19114	Tributary to Cranberry Creek	Luzerne CD (570) 674-7991
Erie County Washington Township	PAR10K122	Hytech Tool & Design Co. 12076 Edinboro Road Edinboro, PA 16412	Free Outfall	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Mercer County Pine Township	PAR104336	Carol Christner Christner Realty, Inc. 235 Alpha Drive Pittsburgh, PA 16148	Unnamed Tributary to Swamp Run	Mercer Conservation District R. D. 2, Box 2055 747 Greenville Road Mercer, PA 16137 (724) 662-2242
Mercer County City of Hermitage	PAR104338	John XXIII Home 2250 Shenango Valley Freeway Hermitage, PA 16148	Unnamed Tributary to Bobby Run	Mercer Conservation District R. D. 2, Box 2055 747 Greenville Road Mercer, PA 16137 (724) 662-2242
Schuylkill County Wayne Township	PAR105773	Hidden Valley Golf Course Driving Range Robert P. Jones, Mgr. Hidden Valley Golf Course 1753 Panther Valley Rd. Pine Grove, PA 17963	Upper Little Swatara Creek	Schuylkill CD (570) 622-3742



<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Allegheny County Kennedy Township	PAR10A145-R	Golden Triangle Ent. Inc. 44 Partridge Lane Imperial, PA 15126	Chartiers Creek	Allegheny County CD (412) 241-7645
Allegheny County Bethel Park Borough	PAR10A278	Municipality of Bethel Park 5200 West Liberty Avenue Bethel Park, PA 15102	Lick Run	Allegheny County CD (412) 241-7645
Allegheny County Findlay Township Moon Township	PAR10A294	PA Dept. of Transportation 45 Thoms Run Road Bridgeville, PA 15017	McClaren Run Enlow Run	Allegheny County CD (412) 241-7645
Allegheny County South Park Township Jefferson Borough	PAR10A301	PA Dept. of Transportation P. O. Box 67676 Harrisburg, PA 17106-7676	Peters Creek Lick Run	Allegheny County CD (412) 241-7645
Allegheny County Pine Township	PAR10A310	Empire Properties, Inc. 375 Golfside Drive Wexford, PA 15090	Pine Creek	Allegheny County CD (412) 241-7645
Allegheny County Hampton Township	PAR10A311	Hampton Township 3101 McCully Road Allison Park, PA 15101	Gourhead Run	Allegheny County CD (412) 241-7645
Allegheny County South Fayette Township	PAR10A312	Municipal Authority of South Fayette Township P. O. Box 171 Morgan, PA 15064	UNT Millers Run	Allegheny County CD (412) 241-7645
Allegheny County Upper St. Clair Township	PAR10A313	National Assisted Living Limited Partnership 2150 Goodlette Road Suite 800 Naples, FL 34102	Chartiers Creek	Allegheny County CD (412) 241-7645
Allegheny County Harmar Township	PAR10A314	Pirollo Transport Company 6312 Hooker Street Pittsburgh, PA 15206	Little Deer Creek	Allegheny County CD (412) 241-7645
Allegheny County Collier Township	PAR10A319	Woodmont Corporation One Ridmar Center Suite 900 6500 W. Freeway Fort Worth, TX 76116-2190	Chartiers Creek	Allegheny County CD (412) 241-7645
Allegheny County Ohio Township	PAR10A321	Ohio Township 1719 Roosevelt Road Pittsburgh, PA 15237	UNT Kilbuck Run	Allegheny County CD (412) 241-7645
Allegheny County Pine Township	PAR10A329	Stonewood East 101 Bradford Road Wexford, PA 15090	Brush Creek	Allegheny County CD (412) 241-7645
Beaver County Beaver Falls Borough Homewood Borough Koppel Borough Big Beaver Borough	PAR100252	Big Beaver Municipal Authority 114 Forest Drive Darlington, PA 16115	Clarks Run Wallace Run Stetzman Run Beaver Run	Beaver County CD (724) 774-7090
Beaver County Industry Borough	PAR100253	PA Dept. of Transportation 45 Thoms Run Road Bridgeville, PA 15017	Six Mile Run Wolfs Run	Beaver County CD (724) 774-7090
Fayette County Redstone Township	PAR10L047	Department of Transportation BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	Dunlap Creek	SW Regional Office (412) 442-4315
Indiana County White Township	PAR103143	Edward Rellick 300 N. 9th Street Indiana, PA 15701	UNT McCarthy Run	Indiana County CD (724) 463-8547

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Indiana County East Wheatfield Township Buffington Township	PAR103144	Highridge Water Authority 17 Maple Avenue Blairsville, PA 15717	Blacklick Creek	Indiana County CD (724) 463-8547
Westmoreland County South Huntingdon Township	PAR10X108	Lou Yemc 350 Arona Road New Stanton, PA 15672	Hunters Run	Westmoreland County CD (724) 837-5271
Westmoreland County Rostraver Township	PAR10X131	Casey Harper P. O. Box 748 Belle Vernon, PA 15012	Cedar Creek	Westmoreland County CD (724) 837-5271
Westmoreland County East Huntingdon Township	PAR10X145	Edge Family Limited Partnership 1220 University Drive Dunbar, PA 15431	UNT Sew Creek	Westmoreland County CD (724) 837-5271
Westmoreland County Upper Burrell Washington Township	PAR10X147	Leeds Business Accessories 795 Pine Valley Drive Pittsburgh, PA 15239	UNT Puckety Creek	Westmoreland County CD (724) 837-5271
Westmoreland County Murrysville	PAR10X149	Redstone Presbyterian 6 Garden Center Greensburg, PA 15601	Turtle Creek	Westmoreland County CD (724) 837-5271
Westmoreland County Unity Township	PAR10X150	Kennametal, Inc. P. O. Box 231 Latrobe, PA 15650	Loyalhanna Creek	Westmoreland County CD (724) 837-5271
Westmoreland County Fairfield Township	PAR10X152	Dept. of Environmental Protection Bureau of Abandoned Mine Reclamation P. O. Box 8476 Harrisburg, PA 17105-8476	UNT Hannas Run	Westmoreland County CD (724) 837-5271
Westmoreland County Rostraver Township	PAR10X153	Westmoreland County Airport-Runway 200 Pleasant Unity Road Suite 103 Latrobe, PA 15601	Long Hollow Youghiogheny River	Westmoreland County CD (724) 837-5271
Westmoreland County Unity Township	PAR10X154	Carol G. Pollock R. D. 1, P. O. Box 199 Latrobe, PA 15650	UNT Nine Mile Run	Westmoreland County CD (724) 837-5271
Westmoreland County Penn Township	PAR10X156	Lorasan Holdings, Inc. P. O. Box 241 Harrison, PA 15636	UNT Bushy Run	Westmoreland County CD (724) 837-5271
Westmoreland County Jeannette City	PAR10X157	Redevelopment Authority of Westmoreland County 601 Courthouse Square Greensburg, PA 15601	UNT Brush Creek	Westmoreland County CD (724) 837-5271
Westmoreland County Rostraver Township	PAR10X159	PA Dept. of Transportation P. O. Box 459 Uniontown, PA 15401-0459	Speers Run	Westmoreland County CD (724) 837-5271
Westmoreland County South Huntingdon Township	PAR10X161	Eldo Bisacca 700 Atlantic Avenue McKeesport, PA 15132	Youghiogheny River	Westmoreland County CD (724) 837-5271
Westmoreland County Unity Township	PAR10X163	Huthison Excavating 129 Philadelphia Street Armagh, PA 15920	Four Mile Run	Westmoreland County CD (724) 837-5271
Westmoreland County Rostraver Township	PAR10X164	United Mobile Homes 3894 Thomas Memphis, TN 38127	UNT Cedar Creek	Westmoreland County CD (724) 837-5271

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Westmoreland County Sewickley Township	PAR10X166	Westinghouse Electric I-70 Madison Exit 25A P. O. Box 158 Madison, PA 15663	Calley's Run	Westmoreland County CD (724) 837-5271
Westmoreland County Hempfield Township	PAR10X167	Duquesne Light Company 411 Seventh Avenue Pittsburgh, PA 15230	Little Sewickley Creek	Westmoreland County CD (724) 837-5271
Westmoreland County Rostraver Township	PAR10X168	The Mon Valley Program Eastgate Eleven Monessen, PA 15062	Long Hollow Youghiogheny River	Westmoreland County CD (724) 837-5271
Westmoreland County Derry Township	PAR10X169	Dept. of Environmental Protection BAMR P. O. Box 8476 Harrisburg, PA 17105	UNT Loyalhanna Creek	Westmoreland County CD (724) 837-5271
Westmoreland County Hempfield Township	PAR10X170	University of Pittsburgh 3400 Forbes Avenue Pittsburgh, PA 15260	Slate Creek	Westmoreland County CD (724) 837-5271
Westmoreland County Unity Township	PAR10X171	Esther Glasser 1419 Highview Drive Greensburg, PA 15601	Line Run	Westmoreland County CD (724) 837-5271
Westmoreland County Hempfield Township	PAR10X172	Donald A. Paulone 1 Corporate Circle Suite 1000 Greensburg, PA 15601	Jacks Run	Westmoreland County CD (724) 837-5271
Westmoreland County South Greensburg Borough	PAR10X175	Westmoreland County Industrial Development Courthouse Square Suite 601 Greensburg, PA 15601	Jacks Run	Westmoreland County CD (724) 837-5271
Westmoreland County East Huntingdon Township	PAR10X176	East Huntingdon Township P. O. Box 9 Alverton, PA 15612-0009	Jacobs Creek	Westmoreland County CD (724) 837-5271
Westmoreland County Hempfield Township	PAR10X177	Cintas Corporation 27 Whitney Drive Milford, OH 45140	Wilson Run	Westmoreland County CD (724) 837-5271
Westmoreland County East Huntingdon Township Mt. Pleasant Borough	PAR10X182	THF Mt. Pleasant JT Venture 955 Executive Parkway Suite 210 St. Louis, MO 63141-6357	Jacobs Creek	Westmoreland County CD (724) 837-5271
South Heidelberg Township Berks County	PAR-10-C233	South Heidelberg Ind. Park PHA I Del C. Markward President DCM III Associates 1628 North 18th Street Allentown, PA 18104	Cacoosing Creek	Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657
Lower Allen Township Cumberland County	PAR-10-H193	Crossgates Inc. Westport Business Park 3555 Washington Road McMurray, PA 15317	Cedar Run	Cumberland County CD 43 Brookwood Ave. Suite 4 Carlisle, PA 17013 (717) 240-7812
Susquehanna Township Dauphin County	PAR-10-I176	OM Real Estate Ventures 1190 Wood Street Hummelstown, PA 17036	Paxton Creek	Dauphin County CD 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Lower Paxton Township Dauphin County	PAR-10-I172	Forest Hills Associates 4701 North Front Street Harrisburg, PA 17110	Paxton Creek	Dauphin County CD 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Derry Township Dauphin County	PAR-10-I169	The Pennsylvania State University P. O. Box 850 Hershey, PA 17033	Spring Creek (East)	Dauphin County CD 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Warwick Township Lancaster County	PAR-10-O-352	Warner Lambert 400 West Lincoln Avenue Lititz, PA 17543	Lititz Run	Lancaster County CD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
West Manheim Township York County	PAR-10-Y355	Woodridge Hunt Joseph A. Myers 150 Ram Drive Hanover, PA 17331	Unt. S. Branch Codorus Creek	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
West Manchester Township York County	PAR-10-Y296	The Greens at West Gate Phase II Shah Mathias P. O. Box 163 Red Lion, PA 17356	Willis Run	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Shrewsbury Township York County	PAR-10-Y369	Southern York School District Wayne McCullough P. O. Box 128 Glen Rock, PA 17327	Unt. to S. Branch Codorus Creek	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Carroll Township York County	PAR-10-Y341	Clyde R. Strayer Trust Bob Watkinson Mellon Bank 10 South Second Street Harrisburg, PA 17108-1010	Unt. to Yellow Breeches Creek	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

*General Permit Type—PAG-3*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Lackawanna County Archbald Borough	PAR112215	Lockheed Martin Tactical Defense Systems J.F.K. Drive Archbald, PA 18403	N/A	Northeast Regional Office Water Management Program 2 Public Square Wilkes-Barre, PA 18711 (717) 826-2553
Lehigh County City of Allentown	PAR602211	Liberty Recycling, Inc. P. O. Box 1014 Allentown, PA 18105	Jordan Creek Lehigh River	Northeast Regional Office Water Management Program 2 Public Square Wilkes-Barre, PA 18711 (717) 826-2553
Luzerne County Hazleton City	PAR602212	M. H. Brenner Recycling, Inc. 282 S. Wyoming Street Hazleton, PA 18201	N/A	Northeast Regional Office Water Management Program 2 Public Square Wilkes-Barre, PA 18711 (717) 826-2553

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Luzerne County Hazle Township	PAR802236	Pitt Ohio Express, Inc. 45 26th Street Pittsburgh, PA 15222	N/A	Northeast Regional Office Water Management Program 2 Public Square Wilkes-Barre, PA 18711 (717) 826-2553
Luzerne County Hanover Township	PAR112223	Koehler-Bright Star, Inc. 380 Stewart Road Wilkes-Barre, PA 18760	Sugar Notch Run (Solomon Creek)	Northeast Regional Office Water Management Program 2 Public Square Wilkes-Barre, PA 18711 (717) 826-2553
Columbia County South Centre Township	PAR144807	Haddon Craftsmen Inc. R. R. Donnelley & Sons Co. 4411 Old Berwick Rd. Bloomsburg, PA 17815	Cambells Creek	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664

### SEWAGE FACILITIES ACT

#### PLAN APPROVAL

#### **Plan approval granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

*Regional Office: Water Management Program Manager, Southcentral Region, 909 Elmerton Ave., Harrisburg, PA 17110.*

*Location: Strasburg Borough, Lancaster County, 140 Precision Ave., Strasburg, PA 17579.*

The approved plan examines capacity requirements over the next 20 years and three alternates to achieve that capacity; building its own STP, building an STP in conjunction with Strasburg Township, and purchasing additional capacity from suburban Lancaster Sewer Authority (SLASA). The selected alternative is purchase of an additional 100,000 gpd of capacity from SLASA. Ultimately, two pump stations will have to be expanded. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Responsible Office: Northwest Regional Office, Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

*Location: Zelienople Borough, Harmony Borough, Jackson Township, Lancaster Township, Butler County.*

Western Butler County Authority  
607 Market Street  
Zelienople, PA 16063

*Project Description:* This approved project proposes expansion of the design capacity of the sewage treatment plant from 1.5 to 2.2 mgd. It also provides for additional wet weather flow capacity to eliminate a hydraulic overload.

The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

### SAFE DRINKING WATER

#### **Actions taken under the Pennsylvania Safety Drinking Water Act (35 P. S. §§ 721.1—721.17).**

*Southeast Regional Office: Sanitarian Regional Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.*

**Permit No. 0998509.** Public water supply. **North Wales Water Authority**, 200 West Walnut Street, P. O. Box 1339, North Wales, PA 19454. A permit has been issued to the North Wales Water Authority for the construction of a 4.0 mg high point elevated storage tank and the connecting mains. Also, this project will include the demolition of the existing 3.5 mg high point standpipe in New Britain Township, **Bucks County**.

*Type of Facility:* Public Water Supply System

*Consulting Engineer:* Gannette Fleming, Inc., P. O. Box 67100, Harrisburg, PA 17106

*Permit to Construct Issued:* January 19, 1999

*Northeast Regional Office: Sanitarian Regional Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**Permit No. 4598503.** Public water supply. **Pennsylvania American Water Company**, 800 West Hershey Drive, Hershey, PA 17033. This proposal involves the installation of corrosion inhibitor feed facilities at the PAWC properties of Pine Hill and Summit Point. PAWC properties changing the AquaMag polyphosphate feed at the Pocono Mountain Industrial Park Well to a zinc orthophosphate. It is located in Coolbaugh Township, **Monroe County**.

*Construction permit issued:* December 22, 1998.

**Permit No. 4598504.** Public water supply. **Mushroom Farms Development**, 7 Sherman Road, Tobyhanna, PA 18466. This proposal involves the installation of equipment for pH adjustment and to apply a corrosion inhibiting chemical. It is located in Tobyhanna Township, **Monroe County**.

*Construction permit issued:* December 31, 1998.

**Permit No. 4598505.** Public water supply. **Estates at Stone Row**, Rob Sedwin, President, Property Owners Association, 16 Image Drive, Scotrun, PA 18355. This proposal involves an application for permit for two existing 15 to 20 gpm wells with chlorine disinfection serving the Estates at Stone Row. These two wells serve six cluster units, each containing four dwelling units for a total buildout of 24 housing units. It is located in Pocono Township, **Monroe County**.

*Construction permit issued:* December 23, 1998.

**Permit No. 4898502.** Public water supply. **Walnutport Water Authority**, Michael Newhard, 415 Lincoln Avenue, Walnutport, PA 18088. This proposal involves the addition of oxidation and a 175 gpm filtration plant to remove iron and manganese from the source water of Well No. 5. It is located in Walnutport Borough, **Northampton County**.

*Construction permit issued:* December 31, 1998.

**Minor Amendment for Permit No. 3994501.** Public water supply. **Whitehall Township Authority**, Mickley Gardens System, for modification to booster pump at Mickley Gardens Air Stripper. It is located in Whitehall Township, **Luzerne County**.

Operations Permit issued on December 8, 1998, to **Silver Springs Mountain Water Company**, Silver Lake Township, **Susquehanna County**.

Operations Permit issued on December 15, 1998, to **Hollister Heights Mobile Home Park**, Salem Township, **Wayne County**.

Operations Permit issued on December 30, 1998, to **Campbell's Ledge Water Storage Tank**, Duryea Borough, **Luzerne County**.

Operations Permit issued on December 18, 1998, to **Nicholson Borough Authority**, Nicholson Borough, **Wyoming County**.

Operations Permit issued on December 29, 1998, to **Chestnut Ridge Mobile Home Park**, Well No. 2 pump station, Lower Towamensing Township, **Carbon County**.

**Permit No. 4598506.** Public water supply. **Stroudsburg Municipal Authority**, 410 Stokes Avenue, P. O. Box 237, East Stroudsburg, PA 18301. This proposal involves the use of duplex submersible, in line, booster pumps with associated controls and small hydropneumatic tanks. It is located in Stroud Township, **Monroe County**.

*Construction permit issued:* January 26, 1999.

**Permit No. 4598508.** Public water supply. **Community Association of Pocono Farms**, Donald Weaver, General Manager, 7000 Lake Road, Tobyhanna, PA 18466. This proposal involves the construction of corrosion control treatment facilities at Well Nos. 1, 2 and 4. The treatment proposed passivation by pH/alkalinity adjustment by the addition of caustic soda.

*Construction permit issued:* February 3, 1999.

**Permit No. 5498510.** Public water supply. **West Penn Pines Mobile Home Park**. This proposal involves the construction of two 60 gallon permitted wells with disinfection and manganese sequestering supplying a 344 single family modular housing unit development with 4" and 8" PVC pipe. Storage will be provided by a .307 million gallon tank. It is located in West Penn Township, **Schuylkill County**.

*Construction permit issued:* January 25, 1999.

**Permit No. 5498504.** Public water supply. **Blue Mountain Elementary School**, Red Dale Road, Orwigsburg, PA 17961. This proposal involves the addition of a contact tank cartridge filter, and sequestering to augment existing treatment for iron removal. The amended system becomes: pH adjustment, chlorination contact time, cartridge filtration, sequestering and finished water storage. It is located in Wayne Township, **Schuylkill County**.

*Construction permit issued:* January 19, 1999.

**Special Permit by Rule. 3486466.** **Glacier Water Services, Inc.**, 2261 Cosmos Court, Carlsbad, CA 92009, Ebbie Hoitt. Glacier Water Services will operate nine NAMA approved vending machines.

*Permit issued:* January 25, 1999.

Operations Permit issued on January 5, 1999, to **Jim Thorpe Borough (West Side Filtration Plant)** Jim Thorpe Borough, **Carbon County**.

Operations Permit issued on January 25, 1999, to **Tamaqua Area Water Authority**, Tamaqua Borough, **Schuylkill County**.

Operations Permit issued on January 4, 1999, to **Sisters of Mercy of Dallas, PA**, Mercy Center Well No. 1, Dallas Township, **Luzerne County**.

*Regional Office: Northcentral Field Operations, Environmental Program Manager; 208 West Third Street, Suite 101, Williamsport, PA 17701.*

**Permit No. 4198501.** The Department issued a construction permit application to **Melvin G. Rummings** (Country Squire Courts Mobile Home Park, P. O. Box 402, Salladsburg, PA 17740, Woodward Township, **Lycoming County**) for construction of a filtration plant, raw water intake structure, finished water storage, raw water, filter water, system pressure pumps, wastewater settling tanks and various transmission lines.

## LAND AND RECYCLING AND ENVIRONMENTAL REMEDIATION

**Under Act 2, 1995**

### Preamble 3

**The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of any final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program in the Department's Regional Office under which the notice of

receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports.

*Northeast Regional Field Office: Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**Wilkes-Barre General Hospital Ancillary Construction Site**, City of Wilkes-Barre, **Luzerne County**. Scott Ressler, Environmental Toxicologist, Cocciardi & Associates, Inc., 4 Kacey Court, Mechanicsburg, PA 17055 has submitted a Final Report (on behalf of his client, Wilkes-Barre General Hospital, Auburn and North Streets, Wilkes-Barre, PA 18764) concerning the remediation of site soils and groundwater found to have been contaminated with petroleum hydrocarbons. The report was submitted to document remediation of the site to meet the Statewide human health standard.

**Bendzlowicz Property** (6374 Willow Street, Jacksonville, PA), East Allen Township, **Northampton County**. Douglas H. Sammak, President, American Analytical & Environmental, Inc., 738 Front Street, Catasauqua, PA 18032 has submitted a Final Report (on behalf of his clients, Kevin and Sandra Bendzlowicz, 6 Short Lane Road, Northampton, PA 18067) concerning the remediation of site soils found to have been contaminated with BTEX (benzene, toluene, ethylbenzene and xylene) compounds, petroleum hydrocarbons and polycyclic aromatic hydrocarbons (PAHs). The report was submitted to document remediation of the site to meet the Statewide human health standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 4

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908) and Chapter 250 Administration of Land Recycling Program.**

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the Act 2 (Land Recycling and Environmental Remediations Standards Act) remediation standards. Plans and reports required by provisions of Act 2 for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site

investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program in the Department's Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Offices listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has acted upon the following plans and reports:

*Southeast Regional Office: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.*

**Vilsmeier Auction Company**, Horsham Township, **Montgomery County**. Sunand Mabbula, P.G., Hardy Environmental Services, 425 Old Airport Road, New Castle, DE 19720, has submitted a Final Report concerning the remediation of site soil contaminated with BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on January 22, 1999.

## SOLID AND HAZARDOUS WASTE

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Solid Waste Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.**

*Southcentral Regional Office: Regional Solid Waste Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706.*

**Permit No. 400618. The Milton S. Hershey Medical Center** (500 University Drive, Hershey, PA 17033-0850). Application for permit renewal for a pathological and infectious waste incinerator for a site in Derry Township, **Dauphin County**. Permit issued in the Regional Office January 4, 1999.

This was incorrectly published in the January 23, 1999 *Pennsylvania Bulletin*.

*Northwest Regional Office: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6848.*

**Permit No. 100691.** Permit application to renew facility's operating permit for the term April 25, 1999 through April 25, 2009, was received from **Water Management of Pennsylvania, Inc.** (Greater Erie Transfer Station and Recycling Center), 1159 West 16th Street, Erie, PA 16502. Permit was issued in the Regional Office on January 25, 1999.

**Permit No. 101646.** Permit to accept municipal waste-like residual wastes (Form S) was received from **World**

**Resource Recovery Systems, Inc.**, 1631 East Avenue, Erie, PA 16503, located in the City of Erie, **Erie County**. Permit was issued in the Regional Office on January 29, 1999.

**Permits revoked under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.**

*Southcentral Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**Permit No. 603428. Bollinger Farm, BFI** (Conestoga Landfill, Mineview Drive, P. O. Box 128, Morgantown, PA 19543. This permit has been revoked at the request of the permittee for a site in East Hempfield Township, **Lancaster County**. Permit revoked in the Regional Office January 14, 1999.

**Permit No. 603427. Knight Farm, BFI** (Conestoga Landfill, Mineview Drive, P. O. Box 128, Morgantown, PA 19543. This permit has been revoked at the request of the permittee for a site in Lower Chanceford Township, **York County**. Permit revoked in the Regional Office January 12, 1999.

## AIR QUALITY OPERATING PERMITS

**Operating Permits issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**TVOP-18-00003: PP&L, Inc., Lock Haven Combustion Turbine Site** (Two North Ninth Street, Allentown, PA 18101) issued January 29, 1999, revised Title V operating permit to include all applicable NO<sub>x</sub> allowance requirements including source compliance, emissions, monitoring, recordkeeping and reporting for each of the facility's affected sources.

**TVOP-41-00003: PP&L, Inc., Williamsport Combustion Turbine Site** (Two North Ninth Street, Allentown, PA 18101) issued January 29, 1999, revised Title V operating permit to include all applicable NO<sub>x</sub> allowance requirements including source compliance, emissions, monitoring, recordkeeping and reporting for each of the facility's affected sources.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**PA-20-232A: Meadville Plating Co.** (10775 Franklin Pike, Meadville, PA 16335) issued November 30, 1998, for operation of six chrome plating tanks in West Mead Township, **Crawford County**.

**PA-25-952A: Bush Industries of PA, Inc.** (2455 Robison Road West, Erie, PA 16509) issued December 31, 1998, for operation of wood product uv surface coating in Summit Township, **Erie County**.

**PA-61-012A: OMG Americas** (P. O. Box 111, Franklin, PA 16323) issued January 31, 1999, for operation of batch chemical reactors in Sugarcreek Borough, **Venango County**.

**General Plan Approval and Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**46-310-049G: ADC Recycling Corporation, Inc.** (1060 Conshohocken Road, Conshohocken, PA 19428) issued for a mineral processing plant in Plymouth Township, **Montgomery County**.

**Administrative Amendment of Operating Permits issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**CP-09-0005: 3M Co.** (2201 Green Lane, Bristol, PA 19007) amended January 27, 1999, for Facility VOCs/Nox RACT in Bristol Township, **Bucks County**.

**Operating Permits Minor Modification issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**46-313-056: McNeil Pharmaceutical** (Welsh and McKean Roads, Spring House, PA 19477) modified January 27, 1999, for three organic acid reactors in Lower Gwynedd Township, **Montgomery County**.

## PLAN APPROVALS

**Plan Approvals issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**PA-15-0014A: Norwood Industries, Inc.** (57 Morehall Road, Frazer, PA 19355) issued January 27, 1999, for operation of a process tank area and solvent unit in East Whiteland Township, **Chester County**.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**06-1069B: East Penn Mfg. Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536) issued January 28, 1999, for construction of a grid casting (A-3) battery assembly (industrial) controlled by a fabric collector at their Battery Assembly Plant in Richmond Township, **Berks County**. This source is subject to 40 CFR 60, Subpart KK, Standards of Performance for New Stationary Sources.

**06-5086A: Terradyne Ceramics of PA, LLC** (405 N. Providence Road, Media, PA 19063) issued January 29, 1999, for construction of the tile manufacturing facility at the Morgantown Plant in New Morgan Borough, **Berks County**.



**21-03001A: Ahlstrom Filtration, Inc.** (P. O. Box A, Mount Holly Springs, PA 17065) issued January 27, 1999, for installation of a No. 1 Dual-Fuel Johnston Boiler in Mount Holly Springs, **Cumberland County**. This source is subject to 40 CFR 60, Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Stream Generating Units.

**21-310-008A: Pennsy Supply, Inc.** (P. O. Box 3331, Harrisburg, PA 17105) issued January 28, 1999, for modification of a crushing and screening operation at the Silver Spring Quarry in Silver Spring Township, **Cumberland County**. This source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

**36-05092: Greiner Industries, Inc.** (1650 Steel Way, Mount Joy, PA 17552) issued January 28, 1999, for operation of a spray painting operation controlled by an aerovent dry filter in Mount Joy Township, **Lancaster County**.

**36-310-027F: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506) issued February 1, 1999, for installation of a stone crushing and screening plant controlled by wet suppression and an aeropulse fabric filter in East Cocalico Township, **Lancaster County**.

**Plan Approvals extensions issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**23-313-041A: Sun Co., Inc. (R&M)** (Delaware Avenue and Green Street, Marcus Hook, PA 19061) issued January 28, 1999, for operation of an organic chemical production in Marcus Hook Borough, **Delaware County**.

**23-312-198A: Sun Co., Inc. (R&M)** (Delaware Avenue and Green Street, Marcus Hook, PA 19061) issued January 28, 1999, for operation of 23 storage tanks in Marcus Hook Borough, **Delaware County**.

**23-318-001E: Congoleum Corp.** (Ridge Road and Yates Avenue, Marcus Hook, PA 19061) issued January 29, 1999, for operation of a surface coating operation in Trainer Borough, **Delaware County**.

**46-313-116C: Lonza, Inc.** (900 River Road, Conshohocken, PA 19428) issued January 31, 1999, for operation of process equipment in Upper Merion Township, **Montgomery County**.

**PA-15-0002B: Quebecor Printing Atglen, Inc.** (Route 372, Lower Valley Road, Atglen, PA 19310) issued January 31, 1999, for operation of a publication rotogravure press in West Sadsbury Township, **Chester County**.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**01-329-001A: Department of the Army, Commander Alternative Joint Communications Center** (1500 Porter Street, Fort Detrick, MD 21701) granted January 26, 1999, to authorize temporary operation for six No. 2 oil fired diesel engine generator sets, covered by this Plan Approval until May 23, 1999, at Site R, in Liberty Township, **Adams County**.

**28-309-003: Tarco Roofing Materials, Inc.** (8650 Molly Pitcher Highway North, Antrim, PA 17225) granted November 15, 1998, to authorize temporary operation for an asphalt saturated felt facility controlled by a high

efficiency air filter and thermal oxidizer, covered by this Plan Approval until March 15, 1999, in Antrim Township, **Franklin County**. The saturator and the asphalt storage tank are subject to 40 CFR 60, Subpart UU, Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.

**67-310-035B: Global Stone PenRoc, Inc.** (P. O. Box 1967, York, PA 17405-1967) granted January 29, 1999, to authorize temporary operation for a roofing plant, covered by this Plan Approval until May 28, 1999, in West Manchester Township, **York County**. This source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**65-304-039: Derry Construction Co., Inc.** (R. D. 5, Box 34, Latrobe, PA 15650) for operation of sand removal and screening at Latrobe Plant in Latrobe Borough, **Westmoreland County**.

**26-310-018: Mid-Atlantic, Inc.** (400 Industrial Blvd., New Kensington, PA 15068) for installation of limestone crushing at Connellsville II Quarry in Bullskin Township, **Fayette County**.

**26-305-034: Matt Canestrone Contracting, Inc.** (P. O. Box 234, Belle Vernon, PA 15012) for installation of loading/unloading/stockpiling at LaBelle Site in Luzerne Township, **Fayette County**.

## MINING

### APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

#### Coal Applications Issued

**56930109. Permit Revision, Mountaineer Mining Corporation** (1010 Garrett Shortcut Road, Berlin, PA 15530), to change the land use of woodland and cropland to unmanaged natural habitat in Jenner Township, **Somerset County**, affecting 57.0 acres, receiving stream Flat Run and Roaring Run to Quemahoning Creek to Stonycreek. Application received November 25, 1998. Permit issued January 25, 1999.

**32930106. Permit Renewal for reclamation, only, M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701, for continued restoration of a bituminous strip mine in Center Township, **Indiana County**, affecting 102.5 acres, receiving stream Tearing Run. Application received January 22, 1999. Permit issued January 25, 1999.

**11900201. NPDES No. PA0599051.** Permit Renewal, **Maple Coal Company** (2591 Wexford-Bayne Road, Suite 204, Sewickley, PA 15143-8610) continued operation and restoration of a coal refuse reprocessing mine in Barr and Blacklick Townships, **Cambria County**, affecting 134.2 acres, receiving stream Elk Creek. Application received December 4, 1998. Issued January 25, 1999.

**56753048.** Permit Renewal, **Gray Mining Company, Inc.** (1134 Stoystown Road, Friedens, PA 15541), commencement, operation and restoration of bituminous strip mine in Quemahoning and Stonycreek Townships, **Somerset County**, affecting 296.0 acres, receiving stream to Stony Creek. Application received November 6, 1998. Permit issued January 25, 1999.

**32880107.** Permit Renewal, **Urey Coal Company** (222 Forest Ridge Road, Indiana, PA 15701), continued operation and restoration of bituminous strip in Banks Township, **Indiana County**, affecting 133.3 acres, receiving stream unnamed tributary to Cush Creek; unnamed tributary to South Branch Bear Run. Application received December 4, 1998. Issued January 27, 1999.

**32980108. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001), commencement, operation and restoration of a bituminous strip mine with coal refuse ash under the general permit and a beneficial use approval in Young Township, **Indiana County**, affecting 149.8 acres, receiving stream unnamed tributaries to Reeds Run and Coal Run to Aultmans Run to Conemaugh River. Application received August 5, 1998. Permit issued January 27, 1999.

*McMurray District Office, 3913 Washington Road, McMurray, PA 15317.*

**11841301. BethEnergy Mines, Inc.** (P. O. Box 29, Ebensburg, PA 15931), to renew the permit for the Mine No. 33—Cambria Slope in Cambria Township, **Cambria County** to renew existing permit and the related NPDES permit, no additional discharges. Permit issued January 7, 1999.

**03841302. Canterbury Coal Co.** (R. D. 1, Box 119, Avonmore, PA 15618), to renew the permit for the DiAnne/David Mine in Kiskiminetas Township, **Armstrong County**, no additional discharges. Permit issued January 13, 1999.

**63831701. Eastern Associated Coal Corp.** (P. O. Box 1233, Charleston, WV 25324), to renew the permit for the Delmont IW in South Huntingdon Township, **Westmoreland County**, no additional discharges. Permit issued January 20, 1999.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**54980101. Reilly Minerals Resources, Inc.** (P. O. Box 989, Pottsville, PA 17901), commencement, operation and restoration of an anthracite surface mine operation in Walker Township, **Schuylkill County** affecting 817.0 acres, receiving stream—Wabash Creek. Permit issued January 29, 1999.

*Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.*

#### *Coal Applications Returned*

**65990101. Purco Coal Inc.** (22 VanVoorhis Lane, Monongahela, PA 15063). Application received for commencement, operation and reclamation of a bituminous surface mine located in South Huntingdon Township, **Westmoreland County**, proposed to affect 14 acres.

Receiving streams: unnamed tributary to Youghiogheny River. Application received: January 25, 1999.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

#### *Noncoal Permits Issued*

**40980302. Small Mountain Quarry, Inc.** (125 North Warren Street, West Hazleton, PA 18201), commencement, operation and restoration of a quarry operation in Salem Township, **Luzerne County** affecting 49.6 acres, receiving stream—none. Permit issued January 27, 1999.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

#### *Small Noncoal (Industrial Mineral) Permits Issued*

**58980851. Rick Whitney** (R. R. 1, Box 76, Montrose, PA 18801), commencement, operation and restoration of a bluestone quarry operation in Springville Township, **Susquehanna County** affecting 1.0 acre, receiving stream—none. Permit issued January 29, 1999.

### **ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS**

The Department of Environmental Protection (Department) has taken the following actions on previously received Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, 400 Market Street, Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of the written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

*Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E09-775.** Encroachment Permit. **Byron Keeble**, 482 Harris Road, Unit 1, Grand Junction, CO 81501. To construct and maintain approximately 230 linear feet of sanitary sewer line across Beaver Run (EV), adjacent wetland (EV) and the associated 100-year floodplain. The

utility line will provide connection to an existing septic system. The proposed 2-inch PVC force main will be encased in concrete and a 4-inch sleeve at the stream crossing. Temporary impact to adjacent wetlands is 0.08 acre (PFO). The site is located at a point approximately 500 feet south of the intersection of Rock Ridge Road and Strocks Grove Road (Riegelsville, PA-NJ Quadrangle N: 3.0 inches; W: 2.0 inches) in Nockamixon Township, **Bucks County**.

**E46-800.** Encroachment Permit. **Montgomery Square Partnership**, 585 Skippack Pike, Suite 200, Blue Bell, PA 19422. To perform and maintain the following activities in and along the 100-year floodway of an unnamed tributary to the Little Neshaminy Creek for the proposed Montgomery Square Commercial Development: A. Install a 120 feet long, 5 foot high by 10 foot wide roadway bottomless box culvert, and utility lines beneath Knapp Road; B. Install a 137 feet long, 4 foot high by 12 foot wide roadway bottomless box culvert, and utility lines beneath Knapp Road; C. Relocate approximately 25 linear feet of the stream channel to direct an unnamed tributary to the Little Neshaminy Creek into the proposed 4 foot high by 12 foot wide box culvert for Knapp Road; D. Install retaining wall system along Knapp Road, a portion of which will be located within the assumed 100 year floodway and wetland adjacent to the aforementioned tributary; E. Install three, outfall structures in wetlands; F. Install 155 linear feet of 24-inch stream enclosure piping in and along a second unnamed tributary to the Little Neshaminy Creek for the proposed Witchwood Road crossing, plus utility lines in Witchwood Road; G. Excavate approximately 310 l. f. of an unnamed intermittent watercourse for the construction of Detention Basin "K." This project will impact approximately 0.39 acre of wetland. The site is located in an area south of the intersection of Bethlehem Pike (SR 309) and Dekalb Pike (US Route 202) and extends south to Stump Road (Ambler, PA Quadrangle N: 18.75-inches; W: 15.5 inches) in Montgomery Township, **Montgomery County**. The applicant will construct 0.79 acre of wetland replacement.

*Northcentral Region: Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.*

**E08-341.** Encroachment. **Kevin L. Bozman**, R. D. 4, Box 248, Towanda, PA 18848-8929. To construct and maintain a 200 feet by 12 feet (2,400 square feet or 0.06 acre) driveway across a forested wetland to access a residential building site. The project is located east of SR 1029 and approximately 2,000 feet south of the south end of Lake Wesauking (Towanda, PA Quadrangle N: 8.9 inches; W: 3.5 inches) in Wysox Township, **Bradford County**.

**E41-424.** Encroachment. **Alex Bobotas**, RR 4, Box 412, South Williamsport, PA 17701. To construct and maintain 1) a 97-foot by 16-foot clean fill boat ramp in the right floodway of the West Branch Susquehanna River, 2) a 1,128-square foot floating wooden boat dock system in the West Branch Susquehanna River located 1.8 miles east on Sylvan Dell Road from the railroad crossing in South Williamsport (Montoursville South, PA Quadrangle N: 21.5 inches; W: 11.0 inches) in Armstrong Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E41-438.** Encroachment. **Kremser Brothers Construction**, 1301 Jordan Avenue, Montoursville, PA 17754. To place fill approximately 500 feet by 35 feet by 8 feet deep in the floodway of an unnamed tributary to the West

Branch Susquehanna River located at the northeast corner of the Fairview Drive and Brushy Ridge Road intersection (Montoursville North, PA Quadrangle N: 1.1 inches; W: 3.7 inches) in the Borough of Montoursville, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects."

*Southcentral Regional Office: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.*

**E05-216-R.** Encroachment. **Monroe Township**, Ron May, P. O. Box 38, Clearville, PA 15535. To reissue and extend the time limit on Permit No. E05-216 which authorized the realignment and maintenance of 90 feet of channel reach of an unnamed tributary to Elk Lick Creek located upstream of T-352 culvert and about 0.4 mile from its intersection with T-351 to redirect the flow into the culvert (Clearville, PA Quadrangle N: 3.5 inches; W: 11.05 inches) in Monroe Township, **Bedford County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

*Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E04-261.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017. To remove the existing bridge and to construct and maintain a new bridge having a normal span of 30.6 feet with an underclearance of 6.2 feet across Little Traverse Creek (WWF). The bridge is located on S. R. 0030, Section B05, STA 575 + 44, approximately 300 feet southeast of the intersection of S. R. 0030 and S. R. 3023 (Aliquippa, PA Quadrangle N: 3.0 inches; W: 16.0 inches) in Independence Township, **Beaver County**.

**E30-187.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. To remove the existing structure and to construct and maintain a three-span bridge having normal clear spans of 90.6 feet, 90.4 feet, and 72 feet and a minimum underclearance of 29.4 feet across Dunkard Creek (WWF) located on S. R. 0088, Section 06R at its intersection with S. R. 2010. Also, to construct and maintain three outfall structures in said stream. The project includes construction and maintenance of a temporary causeway and cofferdam during construction (Masontown, PA Quadrangle N: 2.6 inches; W: 8.9 inches) in Monongahela and Dunkard Townships, **Greene County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

*Northwest Regional Office: Soils and Waterways Sections, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**E10-290.** Encroachment. **Butler County Commissioners**, P. O. Box 1208, Butler, PA 16003-1208. To remove the existing County Bridge No. 63 (Studebaker) and to construct and maintain a steel beam bridge having a clear, normal span of 23 feet and an underclearance of 5 feet across Black Run on T-344 (Dickey Run) approximately 500 feet east of T-890 (West Park Road) (Slippery Rock, PA Quadrangle N: 2.9 inches; W: 15.4 inches) in Worth Township, **Butler County**.

### DAM SAFETY

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor; P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**D09-238.** Dam. **Bucks Country Gardens, LTD.** (1057 North Easton Road, Doylestown, PA 18901). To modify, operate and maintain an existing dam across a tributary to the North Branch Neshaminy Creek for the purpose of stormwater management. This dam is located adjacent to Easton Road as part of the Bucks Country Gardens renovation in Plumstead Township, **Bucks County**.

### WATER ALLOCATIONS

**Actions taken on applications filed under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

*Southeast Regional Office: Bureau of Water Supply Management, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6130.*

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Mary Denney	110 West Lancaster Avenue Wayne, PA 19087	Testing
Donald Ferguson	115 Raven Drive Greensburg, PA 15601	Testing
John Kerrigan RHIS, Inc.	269 Delaplane Avenue Newark, DE 19711	Testing
Jeffrey Koleny	89 Taylor Drive Fallsington, PA 19054	Testing
Alan Skursky	804 Green Ridge Road New Oxford, PA 17350	Testing
Wayne Stevens	140 Sumner Avenue Clarks Summit, PA 18411	Testing Mitigation
Todd Giddings & Assoc., Inc.	3049 Enterprise Drive State College, PA 16801	Mitigation

[Pa.B. Doc. No. 99-233. Filed for public inspection February 12, 1999, 9:00 a.m.]

### Availability of Technical Guidance

Guidance Documents are on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center. The "January 1999 Inventory" heading is the Governor's List of Non-regulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

**WA 09-1002.** Water Allocation. **Doylestown Township Municipal Authority**, 425 Wells Road, Doylestown, PA 18901 has been granted the right to purchase 25,000 gallons per day, based on a 30-day average, from North Wales Water Authority in New Britain Township, **Bucks County**.

*Type of Facility:* Public Water Supply

*Consulting Engineer:* Alfred S. Ciottoni, P.E., SC Engineers, Inc., P. O. Box 407, Fort Washington, PA 19034

*Permit Issued:* January 21, 1999

### SPECIAL NOTICES

#### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of January 1999, the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

DEP will continue to revise its documents, as necessary, throughout 1999.

#### Ordering Paper Copies Of DEP Guidance

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Please check with the appropriate bureau for more information about the availability of a particular document as a publication.

*Changes To Guidance Documents*

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

*Draft Guidance*

DEP ID: 362-2192-001 Title: Biosolids Program Implementation Guidance Description: The purpose of this guidance is to establish a rational and reasonable basis for staff decisions which will promote quality, timely and consistent service to the public and the regulated community. Anticipated Effective Date: March 19, 1999 Comment by: March 13, 1999 Contact: Jay Africa at (717) 783-2941

DEP ID: 563-2000-001 Title: Government-Financed Construction Contracts Description: This guidance is prepared to define the procedures for the authorization of incidental and necessary coal extraction and for the utilization of excess spoil from an active mine for reclamation of abandoned mine lands under a government-financed construction contract. Anticipated Effective Date: April 13, 1999 Comment by: March 13, 1999 Contact: Nevin Strock at (717)783-8845

*Final Guidance*

DEP ID: 273-5401-001 Title: Compliance Strategy for Mushroom Composting Operations Description: This guidance is prepared to clarify the exemption of commercial production, processing or storage of compost as pertaining to the Air Pollution Control Act and Solid Waste Management Act. Effective Date: February 13, 1999 Contact: Bob Kulp (Air Quality) at (717) 787-1663 or Steve Socash (Waste Management) at (717) 787-7381

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 99-234. Filed for public inspection February 12, 1999, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Notice of Requests for Exceptions

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.71(a), (b) and (d) (relating to bed and furnishings):

Stenton Hall Nursing Convalescent Center  
7310 Stenton Avenue  
Philadelphia, PA 19150

Beaver Valley Geriatric Center  
246 Friendship Circle  
Beaver, PA 15009

Blough Health Care Center, Inc.  
316 East Market Street  
Bethlehem, PA 18018

Chapel Manor Nursing and Convalescent Center  
1104 Welsh Road  
Philadelphia, PA 19115-3794

Grove Manor  
435 North Broad Street  
Grove City, PA 16127

Lutheran Home for the Aged  
149 West 22nd Street  
Erie, PA 16502-2899

ManorCare Health Services-Bethlehem  
2021 Westgate Drive  
Bethlehem, PA 18017

Spring House Estates  
728 Norristown Road  
Lower Gwynedd, PA 19002

Towne Manor West  
205 East Johnson Highway  
Norristown, PA 19401

Northwood Nursing and Convalescent Center  
4621 Castor Avenue  
Philadelphia, PA 19124

York Terrace Nursing Center  
2401 West Market Street  
Pottsville, PA 17901-1833

Countryside Convalescent Home Limited Partnership  
8221 Lamon Road  
Mercer, PA 16137

Millville Health Center  
PO Box 320  
State Street  
Millville, PA 17846

Kirkland Village  
One Kirkland Village Circle  
Bethlehem, PA 18017-3846

Bryn Mawr Terrace Convalescent Center  
Haverford & Rugby Roads  
Bryn Mawr, PA 19010

Mansion Nursing and Convalescent Home  
1040 Market Street  
Sunbury, PA 17801

John J. Kane Regional Center-Ross Township  
110 McIntyre Road  
Pittsburgh, PA 15237

The Middletown Home  
999 West Harrisburg Pike  
Middletown, PA 17057

Kinkora Pythian Home  
25 Cove Road  
Duncannon, PA 17020

Broad Mountain Nursing and Rehabilitation Center  
500 West Laurel Street  
Frackville, PA 17930

Pennsburg Manor  
530 Macoby Street  
Pennsburg, PA 18073

Mulberry Square  
407½ West Mahoning Street  
Punxsutawney, PA 15767

Claremont Nursing and Rehabilitation Center  
375 Claremont Drive  
Carlisle, PA 17013

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.34 (relating to treatment room or examining room):

Transitional Care Center at Pittsburgh Ohio Valley  
General Hospital  
25 Heckel Road  
McKees Rocks, PA 15136

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.34 (relating to treatment room or examining room) and 28 Pa. Code § 205.31(c) (relating to storage):

Transitional Level of Care Unit  
201 Reeceville Road  
Coatesville, PA 19320-0953

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of the building):

Berks County Home-Berks Heim  
PO Box 1495  
Reading, PA 19603

Beverly Healthcare-Meadville  
14714 Park Avenue Extension  
Meadville, PA 16335

Beverly Healthcare-Western Reserve  
1521 West 54th Street  
Erie, PA 16509

HarmarVillage Care Center  
715 Freeport Road  
Cheswick, PA 15024

Quincy United Methodist Home  
PO Box 217  
Quincy, PA 17247-0217

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 211.2(g) and (h) (relating to medical services):

The Ball Pavilion  
5416 East Lake Road  
Erie, PA 16511

Rose View Center  
1201 Rural Avenue  
Williamsport, PA 17701

The Western Pennsylvania Hospital Skilled  
Nursing Facility  
4800 Friendship Avenue  
Pittsburgh, PA 15224

Homestead Center  
1113 North Easton Road  
Willow Grove, PA 19090

Brookmont Health Care Center, Inc.  
Box 50 Brookmont Drive  
Effort, PA 18330

The Lutheran Home Hollidaysburg  
916 Hickory Street  
Hollidaysburg, PA 16648

Rest Haven-York  
1050 South George Street  
York, PA 17403

Southwestern Nursing Center  
500 Lewis Run Road  
Pittsburgh, PA 15236

Pennypack Center  
8015 Lawndale Street  
Philadelphia, PA 19111-1507

Wesbury United Methodist Community  
31 North Park Avenue Extension  
Meadville, PA 16335

Allegheny Valley Hospital Skilled Nursing Facility  
1301 Carlisle Street  
Natrona Heights, PA 15065

Ridge Crest Nursing and Rehabilitation Center  
1730 Buck Road, North  
Feasterville, PA 19053

Chapel Manor Nursing and Convalescent Center  
1104 Welsh Road  
Philadelphia, PA 19115-3794

Forestview  
2301 Edinboro Road  
Erie, PA 16509

Dresher Hill Health and Rehabilitation Center  
1390 Camp Hill Road  
Dresher, PA 19034

Transitional Care Unit  
112 North Seventh Street  
PO Box 6005  
Chambersburg, PA 17201-6005

Gwynedd Square Center for Nursing and  
Convalescent Care  
773 Sumneytown Pike  
Lansdale, PA 19556-5370

Sky Vue Terrace  
2170 Rhine Street  
Pittsburgh, PA 15221

Marwood Rest Home, Inc.  
1020 Oak Lane Avenue  
Philadelphia, PA 19126

Pennsylvania Memorial Home  
51 Euclid Avenue  
Brookville, PA 15825

Rathfon Convalescent Home  
308 South Market Street  
Selinsgrove, PA 17870

IHS of Chestnut Hill  
8833 Stenton Avenue  
Glenside, PA 19038

Lawson Nursing Home, Inc.  
540 Coal Valley Road  
Clairton, PA 15025

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.17 (relating to location):

Meadowood  
3205 Skippack Pike  
PO Box 670  
Worcester, PA 19490-0670

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.27(a) (relating to lounge and recreation rooms):

StoneRidge Village  
450 East Lincoln Avenue  
Myerstown, PA 17067-2213

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.17 (relating to location), 28 Pa. Code § 205.20(m) and (l) (relating to patient bedrooms), 28 Pa. Code § 205.72(b) (relating to furniture), 28 Pa. Code § 205.33(a) (relating to utility room), and 28 Pa. Code § 205.36(k) (relating to bathing facilities):

Albert Einstein Health Network-Germantown Hospital  
Proposed Skilled Nursing Facility  
1735 Market Street, 53rd Floor  
Philadelphia, PA 19103-2921

The requests are on file with the Department. A person may receive a copy of a request for exception by requesting a copy from:

Division of Nursing Care Facilities  
Room 526, Health and Welfare Building  
Harrisburg, PA 17120  
(717) 787-1816  
Fax: (717) 772-2163

E-Mail Address: PAEXCEPT@HEALTH.STATE.PA.US

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail, or facsimile to the division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove a request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-235. Filed for public inspection February 12, 1999, 9:00 a.m.]

### Organ and Tissue Donation Advisory Committee Meeting

The Organ and Tissue Donation Advisory Committee is scheduled to hold a meeting on March 3, 1999, from 10 a.m. to 1 p.m. in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA.

For additional information or persons with a disability who desire to attend the meeting and require an auxiliary aide service or other accommodation to do so, should contact William J. Neil, Health Education and Information Program, Bureau of Chronic Diseases and Injury Prevention at (717) 787-5900. V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

This meeting is subject to cancellation without notice.

GARY L. GURIAN,  
*Acting Secretary*

[Pa.B. Doc. No. 99-236. Filed for public inspection February 12, 1999, 9:00 a.m.]

### Pennsylvania Cancer Control Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board is scheduled to hold a meeting on March 10, 1999, from 10 a.m. to 1 p.m. at the Pennsylvania Medical Society, 777 East Park Drive, Harrisburg, PA.

Persons wishing to attend the meeting or who have questions regarding the meeting should contact Susan F. George, Program Manager, Department of Health, Cancer Control Program, 1011 Health and Welfare Building, Harrisburg, PA at (717) 787-5251.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so, should contact Susan F. George at (717) 787-5251. V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

GARY L. GURIAN,  
*Acting Secretary*

[Pa.B. Doc. No. 99-237. Filed for public inspection February 12, 1999, 9:00 a.m.]

### Preventive Health and Health Services (PHHS) Block Grant Advisory Committee Meeting

The Preventive Health and Health Services (PHHS) Block Grant Advisory Committee is scheduled to hold a meeting on February 18, 1999, from 10 a.m. to 3 p.m. in conference room 812 of the Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA.

For additional information or persons with a disability who desire to attend the meeting and require an auxiliary aide service or other accommodation to do so, should contact Emilie M. Tierney, Director, or Terry L. Walker, Administrative Officer, Bureau of Chronic Diseases and Injury Prevention, at (717) 787-6214.

This meeting is subject to cancellation without notice. V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

GARY L. GURIAN,  
*Acting Secretary*

[Pa.B. Doc. No. 99-238. Filed for public inspection February 12, 1999, 9:00 a.m.]

### Request for Application for Planning Grants; Abstinence Education and Related Services for Fiscal Year 1999

The Department of Health will distribute a Request for Application (RFA) for Planning Grants to implement three to four new community-based projects in Fiscal year

1998-99. Applicants will have the opportunity to request funding to support the planning and implementation of abstinence-only programs and services. The primary populations to be served are youth between 9-14 years of age with a focus on those groups that are most likely to bear children out of wedlock. A maximum grant of up to \$25,000 is available for the 6-month planning period which begins April 1, 1999 and ends September 30, 1999. At the completion of the planning period and based on the results of project performance reviews, projects will be eligible for an amount of up to \$75,000 annually for up to 3 years of Implementation Funding for the period October 1, 1999 to September 30, 2002.

All questions regarding the RFA should be directed to Phyllis Welborn, Department of Health at (717) 783-8451, or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at 1-800-654-5984 [TT].

GARY L. GURIAN,  
*Acting Secretary*

[Pa.B. Doc. No. 99-239. Filed for public inspection February 12, 1999, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Local Area Designations under the Workforce Investment Act

The Department of Labor and Industry on behalf of the Governor is publishing the Workforce Investment Act Local Area Designation plan for Pennsylvania. Under the Workforce Investment Act of 1998, Governors are required to designate local workforce investment areas within the state through consultation with the State Board, after consultation with chief elected officials and after consideration of comments received through a public comment process.

The Governor solicited comments from local elected officials throughout the State and received designation requests covering every County within the State. At its January 28, 1999 meeting, the Team Pennsylvania Human Resources Investment Council (HRIC), Pennsylvania's State Workforce Investment Board, recommended a multi-phase local workforce investment area designation process and recommended 11 local areas to be included in Phase 1 of the designation process.

The multi-phase designation process will enable local areas to be designated, authorize chief elected officials to appoint local Workforce Investment Boards, and to commence planning so that the local area will be able to implement the Workforce Investment Act on July 1, 1999. Subsequent Phases will identify local areas in the remaining areas of the state not included within the areas identified in Phase 1. The HRIC authorized its Chartering Committee to review and recommend to the Governor on their behalf additional local areas ready for designation prior to the Council's next meeting in March 1999. This will enable the remaining local areas to proceed with local workforce investment board appointments and systems development.

The following local areas have been identified by the Governor based on the recommendation of the Team

Pennsylvania Human Resources Investment Council for inclusion in the Phase 1 designation:

- Philadelphia
- Delaware County
- Chester County
- Montgomery County
- Bucks County
- Lancaster County
- Berks County
- Lehigh Valley—consisting of Lehigh and Northampton Counties
- Northern Tier—consisting of Tioga, Bradford, Susquehanna, Sullivan and Wyoming Counties
- Southern Alleghenies—consisting of Cambria, Blair, Huntingdon, Somerset, Bedford and Fulton Counties
- Northcentral—consisting of McKean, Potter, Elk, Cameron, Jefferson and Clearfield Counties

Any interested party wishing to comment on the multi-phase designation process or on the local areas indicated for inclusion in Phase 1, must do so in writing by the close of business February 26, 1999. Comments should be forwarded to: Timothy Bittle, Executive Assistant to the Deputy Secretary of Workforce Development and Safety, Department of Labor & Industry, 17th Floor Labor & Industry Building, Seventh and Forster Streets, Harrisburg, PA 17120.

JOHNNY J. BUTLER,  
*Secretary*

[Pa.B. Doc. No. 99-240. Filed for public inspection February 12, 1999, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Crazy 8's Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Crazy 8's.
2. *Price:* The price of a Pennsylvania Crazy 8's instant lottery game ticket is \$1.00.
3. *Play Symbols:* Each Pennsylvania Crazy 8's instant lottery game ticket will contain four play areas known as "Game 1," "Game 2," "Game 3" and "Game 4." Each "Game" is played separately. The play symbols and their captions located in the four play areas are: 1 (ONE), 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT) and 9 (NIN).
4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Prize" area are: \$1.<sup>00</sup> (ONE DOL), \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$8.<sup>00</sup> (EGT DOL), \$16.<sup>00</sup> (SIXTN), \$88\$ (ETY EGT), \$188\$ (HNETYEGT) and \$8,888 (ETHEHEYET).



5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$8, \$16, \$88, \$188 and \$8,888. The player can win up to four times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 8,160,000 tickets will be printed for the Pennsylvania Crazy 8's instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a play symbol of 8 (EGT) in any "Game," and a prize play symbol of \$8,888 (ETHEHEYET) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$8,888.

(b) Holders of tickets with a play symbol of 8 (EGT) in any "Game," and a prize play symbol of \$188\$ (HNETYEGT) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$188.

(c) Holders of tickets with a play symbol of 8 (EGT) in any "Game," and a prize play symbol of \$88\$ (ETY EGT) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$88.

(d) Holders of tickets with a play symbol of 8 (EGT) in any "Game," and a prize play symbol of \$16.<sup>00</sup> (SIXTN) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$16.

(e) Holders of tickets with a play symbol of 8 (EGT) in any "Game," and a prize play symbol of \$8.<sup>00</sup> (EGT DOL) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$8.

(f) Holders of tickets with a play symbol of 8 (EGT) in any "Game," and a prize play symbol of \$4.<sup>00</sup> (FOR DOL) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$4.

(g) Holders of tickets with a play symbol of 8 (EGT) in any "Game," and a prize play symbol of \$2.<sup>00</sup> (TWO DOL) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$2.

(h) Holders of tickets with a play symbol of 8 (EGT) in any "Game," and a prize play symbol of \$1.<sup>00</sup> (ONE DOL) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 8,160,000 Tickets</i>
\$1	\$1	1:10	816,000
\$1 x 2	\$2	1:21.43	380,800
\$2	\$2	1:42.86	190,400
\$1 x 4	\$4	1:150	54,400
\$4 x 2	\$8	1:75	108,800
\$8	\$8	1:100	81,600
\$8 x 2	\$16	1:300	27,200
\$16	\$16	1:300	27,200
\$16 x 2	\$32	1:4,800	1,700
\$16 x 4	\$64	1:7,059	1,156
\$88	\$88	1:13,333	612
\$888	\$188	1:30,000	272
\$8,888	\$8,888	1:453,333	18

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Crazy 8's instant lottery game tickets. The

conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Crazy 8's, prize money from winning Pennsylvania Crazy 8's instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Crazy 8's instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Crazy 8's or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 99-241. Filed for public inspection February 12, 1999, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Retention of Engineering Firms

**Greene, Washington, Allegheny, Butler,  
Lawrence, Mercer, Crawford and Erie Counties  
Project Reference No. 08430AG2294**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately eighteen (18) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on the following projects:

1. S. R. 0079, Section A22, Allegheny, Lawrence, Greene, Washington, Butler, Mercer, Crawford and Erie Counties Local Name: I-79 ITS from West Virginia to Erie

This project involves variable message signs, highway advisory radio, weather monitoring systems, pavement sensors, closed circuit television cameras, detection systems, informational kiosks and communication systems at various locations.

2. S. R. 0376, Section A21, Allegheny County Local Name: I-376 ITS from the Squirrel Hill Tunnel to Rodi Road.

This project involves the installation of additional ITS components as part of a freeway surveillance expansion.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be estab-

lished directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.
- b. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, concrete, ITS (Intelligent Transportation systems) elements and electrical systems.
- c. Understanding of Department's requirements, policies, and specifications.
- d. Past Performance.
- e. Number of NICET certified inspectors in each payroll classification.
- f. Number of available inspectors in each payroll classification.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	2 (2)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	12 (8)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	4 (0)

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1999:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCIS)	\$40.54
(TCI)	\$35.47
(TA)	\$24.39

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; one (1) inspector certified in computer documentation and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

14 Two-Way Radios

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCIS	3
TCI	15

No resumes are required for the TA Classification.

The second copy of the letter of interest and required forms, (see general requirements and information section shall be sent to: Mr. Raymond S. Hack, P.E., District Engineer, District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Any technical questions concerning the requirements for this project should be directed to: Mr. Bob Collins, P.E., District 11-0 at (412) 429-4928.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

#### **Bucks and Montgomery Counties Project Reference No. 08430AG2295**

The Department of Transportation will retain an engineering firm to perform final design and construction consultation for the following projects:

1. S.R. 0611, Section 04S, involving three (3) structures at the following locations: Easton Road over Deep Run; Easton Road over Tinicum Creek; and Easton Road over Creamery Road, in Bedminster Township, Bedminster and Tinicum Townships, and Tinicum township respectively in Bucks County. The estimated construction cost is \$600 thousand.

2. S. R. 3020, Section 98S, involving two (2) structures, Dannehower Bridge over Schuylkill River and a bridge over Conrail and Parkway at Bridgeport and Norristown respectively, in Upper Merion Township in Montgomery County. The estimated construction cost is \$1.2 million.

These projects involve bridge deck rehabilitation including latex modified testing and overlay, parapet safety shape retrofit, replacement of expansion joints, substructure spall repairs, bearing repairs, and scour protection of four (4) bridges. The S. R. 0611 project length is approximately 4.5 kilometers (2.8 miles) and S. R. 3020 project length is 1.4 kilometers (4612 feet).

The selected firm will be required to provide the following engineering and design services: surveys; roadway design; drainage design; pavement design; preparation of cross-sections; guide rail system; erosion and sediment control design; right-of-way investigation and plan; structure design; sampling and testing; preparation of traffic control, pavement marking, and signing plans; traffic signal design; utility coordination; coordination with public agencies, municipal officials, and the public; preparation of final plans, specifications, and estimates; shop drawing reviews; alternate design review; and construction consultation.

Firms that are currently serving, or are being considered for selection, as municipal engineer in the municipality listed in the project description will not be considered for this assignment. Also, firms that are under contract, or are being considered, to provide engineering services to a land developer for a site located along the project will likewise not be considered for this assignment. Firms should state in the letter of interest that they are not serving in either capacity as a municipal engineer or as a representative of a site developer. Any questions concerning this requirement should be directed to Ms. Elaine Elbich, at the telephone number listed below.

Letters of Interest will be evaluated at the Engineering District 6-0 office with emphasis on the following factors:

- a. Ability to package and present the Letter of Interest in accordance with the General Requirements and Information section.
- b. Specialized experience and technical competence of the firm including the firm's experience with similar type projects and their ability to provide innovative solutions to complex technical problems.
- c. Experience of employees to be associated with this project. Particularly important are the key people assigned to the project including their experience and past record of performance with similar projects.
- d. Company location from District 6-0 office.
- e. Past performance record.

The District will announce the firms that have been shortlisted at an open public meeting scheduled for March 5, 1999 at 10 a.m. in Engineering District's 6-0's small conference room.

The District's copy of the letter of interest and required forms (see general requirements and information section)

shall be sent to: Mr. Andrew L. Warren, District Administrator, District 6-0, 200 Radnor-Chester Road, St. Davids, PA 19087.

Any technical questions concerning the requirements for this project should be directed to: Mr. Timothy R. O'Brien, P.E., District 6-0, at (610) 964-6526, or Ms. Elaine Elbich, District 6-0, at (610) 964-6529.

Any questions concerning the submittal of the Letter of Interest can be directed to the Consultant Agreement Division at (717) 783-9309.

### General Requirements and Information

Firms interested in providing the above work and services are invited to submit two copies of a Letter of Interest with the required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the Letter of Interest and required information must be submitted to:

Mr. Charles W. Allwein, P.E., Chief  
Consultant Selection Committee  
7th Floor, Forum Place  
555 Walnut Street  
P. O. box 3060  
Harrisburg, Pennsylvania 17105-3060

Note: The Zip Code for express Mailing is 17101-1900.

The Letter of Interest and required information must be received within twenty (20) calendar days of this Notice. The Deadline for receipt of a Letter of Interest at the above address is 4:30 p.m. prevailing time of the twentieth day.

The second copy of the letter of interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm, or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, said individual, firm, or corporation may do so as part of a Joint Venture with an individual, firm, or corporate which is permitted under the state law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit a Letter of Interest on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st century (TEA-21) and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442,

Section 1.10(a). The TEA-21 requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act, WBEs or combinations thereof).

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

The Department requests that each Letter of Interest include the following information and that the information be packaged and presented in the order indicated below to facilitate the Department's review and evaluation.

The firm's ability and willingness to package and present the requested information in the above order to facilitate the Department's review and evaluation will be the first factor considered in the evaluation process.

1. Transmittal Letter (Maximum of two (2) 8 1/2 x 11" typed pages, one side)

2. A fact sheet that includes the project reference number for each project which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable), and the firm's federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant should indicate on this fact sheet the names and Professional Engineer License Number of Individuals who are directing heads or employees of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats, and reports issued by the firm. If the project advertisement indicated the Department will retain an Land Surveying firm for the project, the applicant should indicate on this fact sheet the names and Professional Land Surveyor Registration Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's land surveying activities, and whose names and seals shall be stamped on all plans, plats, and reports issued by the firm.

3. Project Organizational Chart (one page, one side, maximum size 11" x 17")

This Chart should show key staff from the prime and each subconsultant and their area of responsibility.

4. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team)

The Standard Form 255 should be signed, dated, and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work and service they will perform on the project.

Under Item 4 of this form, Column A must specify only the number of subconsultant personnel and Column B should specify only the number of prime consultant personnel to be assigned to work on this project reference number. Do not include the total personnel for either the

subconsultant or prime consultant under Item 4 unless the total personnel are necessary to provide the required work and services.

The prime and each subconsultant should not include more than one page each for Items 10 and 11.

If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

5. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than one (1) year old as of the date of this advertisement, should accompany each Letter of Interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor, or a Company, unless an acceptable Standard Form 254 for the prime and each subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

These Forms should be assembled with the prime's form first, followed by the form for each subconsultant in the same order as the subconsultants appear in Item 6 of Standard Form 255.

6. Authorization Letters (if required)

If the advertisement requires a letter signed by individuals giving their approval to use their name in the Letter of Interest, the letters from proposed prime employees should be first, followed by subconsultant employees, in the same order as shown in Item 6 of Standard Form 255.

7. Registration To Do Business

Firms with out-of-state headquarters or corporations not incorporated in Pennsylvania must include, with each Letter of Interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. Overhead Rates (one page)

A single page summary should indicate the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Accountant must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate developed in accordance with FAR would be available.

Audited overhead rate information for the prime consultant and each subconsultant is not required for construction inspection services.

### 9. Additional Information

Additional information, not to exceed ten (10) one sided 8 1/2 x 11" pages or five (5) double sided 8 1/2 x 11" pages may be included at the discretion of the submitting firm.

Letters of Interest will be rejected for the following reasons:

1. Received after the cut-off time and date specified above.
2. Failure to identify a Disadvantaged Business Enterprise (DBE) if a DBE participation goal is identified in the advertised project.
3. Failure to include a copy of the registration to do business in the Commonwealth.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 99-242. Filed for public inspection February 12, 1999, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

#### Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-577	State Board of Veterinary Medicine Fees	1/28/99

JOHN R. MCGINLEY, JR.,  
*Chairperson*

[Pa.B. Doc. No. 99-243. Filed for public inspection February 12, 1999, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request for a Certificate of Authority

UPMC Health Benefits, Incorporated has applied for a Certificate of Authority to operate as a stock casualty insurance company in this Commonwealth. The initial

filing was received on January 14, 1999, and was made under the requirements set forth under the Business Corporation Law of 1988 (15 Pa.C.S. § 1 et seq.). Persons wishing to comment on the grounds of public or private interest to the issuance of the Department's order approving this Certificate of Authority are invited to submit a written statement to the Insurance Department within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Cressinda E. Bybee, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-244. Filed for public inspection February 12, 1999, 9:00 a.m.]

### Application for Merger of Two Domestic Stock Casualty Insurance Corporations

Aegis Indemnity Insurance Company (Aegis Indemnity), a stock casualty insurance company organized under the laws of the Commonwealth of Pennsylvania, has filed an application to merge with American Sentinel Insurance Company (American Sentinel), also a domestic stock casualty insurance company, with American Sentinel surviving the merger. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P.S. § 991.1401 et seq.) section 1957 of the Business Corporation Law, 15 Pa.C.S. § 1957, and the GAA Amendments Act of 1990 (15 P.S. § 21101 et seq.). Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department (Department) within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; fax (717) 787-8557; email <http://www.rbrackbi@ins.state.pa.us>.

Under 15 P.S. § 21207(c) (Section 207(c) of the GAA Amendments Act of 1990), the Department will hold a public informational meeting regarding the proposed Plan of Merger submitted by Aegis Indemnity. All policyholders and interested persons are invited to attend and participate.

1. *Date and Time:* March 12, 1999, beginning at 9 a.m.
2. *Location:* Ben Franklin Conference Room, 13th Floor, Strawberry Square, Harrisburg, PA

3. *Format of Meeting:* The Department and Aegis Indemnity will provide information about the review process and the proposed Plan of Merger. Following the presentations by the Department and Aegis Indemnity, policyholders and interested persons will be invited to make comments about the proposed Plan of Merger.

However, policyholders and interested persons in attendance will not be required to make comments. Attendance or non-attendance at the meeting will have no effect on the terms of the policyholders' insurance policies. The meeting will be recorded by a court reporter, and a transcript may be purchased directly from the court reporter.

4. *Legal Authority*: The public informational meeting will be held under the provisions of the GAA Amendments Act of 1990 (15 P. S. § 21101 et seq.)

5. *Questions Regarding the Specifics of the Plan of Merger*: Questions about the Plan of Merger or questions about an insurance policy should be directed to Ronald Thomas, Aegis Security, Inc. (717) 657-9671.

6. *Written Comments*: Persons who are unable to attend the public informational meeting or would prefer to submit written comments about Aegis Indemnity's proposed Plan of Merger, should do so by mailing or delivering a copy of the comments to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, or by e-mail at rbrackbi@ins.state.pa.us. Please be advised that all comments received will be part of the public files regarding this proposal, and will be shared with Aegis Indemnity for a response where appropriate.

7. *ADA Notice*: If a person, due to a disability, requires the assistance of an auxiliary aid or services to participate in or attend this public informational meeting, call Tracey Pontius, Director of the Bureau of Administration, (717) 787-4298. If hearing impaired, call the Department's TDD phone number (717) 783-3898.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 99-245. Filed for public inspection February 12, 1999, 9:00 a.m.]

### **Erie Insurance Exchange; Homeowners Rules and Rate Revision; Rate Filing**

On February 1, 1999 the Insurance Department received from Erie Insurance Exchange a filing for a rate level change for homeowners insurance.

The company requests an overall 1.2% increase amounting to \$1,705,000 annually, to be effective August 1, 1999.

Unless formal administrative action is taken prior to April 2, 1999 the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at mburkett@ins.state.pa.us) within 30

days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 99-246. Filed for public inspection February 12, 1999, 9:00 a.m.]

### **Hartford Insurance Company of the Midwest; Homeowners Rate Filing**

On February 1, 1999, the Insurance Department received from Hartford Insurance Company of the Midwest a filing for a proposed rate level changes for homeowners insurance.

The company requests an overall 0.8% decrease amounting to \$113,774 annually, to be effective June 1, 1999.

Unless formal administrative action is taken prior to April 2, 1999, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Nabila Audi, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, (E-mail: naudi@ins.state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 99-247. Filed for public inspection February 12, 1999, 9:00 a.m.]

### **Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insureds have requested a hearing, as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with their company's termination of the insured's automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of John M. Spang; file no. 98-181-08864; Erie Insurance Exchange; doc. no. P99-01-027; March 2, 1999, at 9 a.m.;

Appeal of Jizhong He; file no. 98-121-08640; State Farm Fire and Casualty Company; doc. no. P99-01-029; March 2, 1999, at 11 a.m.;

Appeal of Brian E. and Mary E. Todhunter; file no. 99-188-00161; State Farm Mutual Automobile Insurance Company; doc. no. P99-01-031; March 2, 1999, at 1 p.m.;

Appeal of Jodi A. and Leonard J. Romanczuk; file no. 99-181-00048; Nationwide Mutual Insurance Company; doc. no. P99-01-032; March 3, 1999, at 2 p.m.;

Appeal of Pamela Mitchell; file no. 99-121-00157, Reliance National Indemnity Co.; doc. no. P99-02-001; March 9, 1999, at 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearings, and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-248. Filed for public inspection February 12, 1999, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Berks County, Wine & Spirits Shoppe #0608, 3026 Penn Avenue, West Lawn, PA 19609-1421.

*Lease Expiration Date:* August 31, 1999

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,200 net useable square feet of new or existing retail commercial space on Route 422, within approximately 1 mile of the intersection of Krick Lane, South Heidelberg Township.

*Proposals due:* March 5, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board

**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661

**Contact:** Willard J. Rhodes, (717) 657-4228

Lackawanna County, Wine & Spirits Shoppe #3516, 931 South State Street, Clarks Summit, PA 18411-1755.

*Lease Expiration Date:* February 29, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 9,000 to 12,000 net useable square feet of new or existing retail commercial space within Clarks Summit, Clarks Green or South Abington Township.

*Proposals due:* March 1, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board

**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661

**Contact:** Charles D. Mooney, (717) 657-4228

Lackawanna County, Wine & Spirits Shoppe #3503, 635 Luzerne Street, Scranton, PA 18504-2626.

*Lease Expiration Date:* January 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 to 4,200 net useable square feet of new or existing retail commercial space within 1.5 miles of the intersection of Main Street and Luzerne Street, West Scranton or the Eastern section of Taylor Borough.

*Proposals due:* March 5, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board

**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661.

**Contact:** Charles D. Mooney, (717) 657-4228

Lancaster County, Wine & Spirits Shoppe #3602, 252 North Queen Street, Lancaster, PA 17603-3512.

*Lease Expiration Date:* January 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,700 to 4,600 net useable square feet of new or existing retail commercial space north of King Street, south of Walnut Street, east of Prince Street and west of Queen Street.

*Proposals due:* March 5, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board

**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661

**Contact:** Charles D. Mooney, (717) 657-4228

Lancaster County, Wine & Spirits Shoppe #3617, East Hempfield Township.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 to 4,000 net useable square feet of new or existing retail commercial space within the eastern section of East Hempfield Township along Rohrerstown Road or West Lincoln Highway.

*Proposals due:* March 5, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board

**Location:** Real Estate Division, Brandywine Plaza, 2223

Paxton Church Road, Harrisburg, PA 17110-9661

**Contact:** Charles D. Mooney, (717) 657-4228

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 99-249. Filed for public inspection February 12, 1999, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Certificate of Public Convenience

#### Without Hearing

**A-121850F0011. National Fuel Gas Distribution Corporation.** Application of National Fuel Gas Distribution Corporation, for a Certificate of Public Convenience evidencing the Commission's Approval of the Acquisition of an Office Building and Later Transfer by Sale of an Office Building and Associated Land or, in the alternative, an order that no approval is required.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before March 1, 1999, under 52 Pa. Code (relating to public utilities).

*Applicant:* National Fuel Gas Distribution Corporation

*Through and By Counsel:* Michael W. Gang, John H. Isom, Morgan, Lewis & Bockius LLP, 417 Walnut Street, Harrisburg, Pa. 17101-1904

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-250. Filed for public inspection February 12, 1999, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before March 8, 1999, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.**

**A-00115576. Melvin Ragland, t/d/b/a Ragland E-Z Tours** (1721 North 55th Street, Philadelphia, Philadelphia County, PA 19131)—persons in paratransit service,

from points in the city and county of Philadelphia, to points in the counties of Bucks, Delaware and Montgomery, and return.

**A-00115575. Rescue Hose and Ladder Company** (408-410 Filbert Street, Curwensville, Clearfield County, PA 16833), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in Clearfield County, and from points in said county, to points in Pennsylvania, and return.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.**

**A-00115578. Pessognelli, Inc., t/d/b/a Club Limo** (3665 Stone Ridge Road, York, York County, PA 17402), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the counties of Cumberland and Dauphin, the boroughs of Dillsburg and Franklintown, and the townships of Franklin, Carroll, Monaghan and Fairview, York County, and from points in said area, to points in Pennsylvania, and return; subject to the following condition: that no right, power or privilege is granted to provide service to or from the Harrisburg International Airport in the township of Lower Swatara, Dauphin County; which is to be a transfer of all of the rights authorized under the certificate issued at A-00110948 to Designated Driver, Inc., subject to the same limitations and conditions. *Attorney:* Craig A. Doll, 214 State Street, Harrisburg, PA 17101.

**A-00115577 Gold Cross Ambulance Service of PA, Inc. t/d/b/a Rural Metro Ambulance** (19 Spring Street, Struthers, Ohio 44471), a corporation of the state of Ohio—persons in paratransit service, between points in Mercer County, and from points in said county, to points in Pennsylvania, and return; which is to be a transfer of all of the rights authorized under the certificate issued at A-00107205, F. 2 to Gold Cross Limousine of Pa., Inc., subject to the same limitations and conditions. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

**Applications of the following for approval amendment of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.**

**A-00086452, Folder 2, Am-I. The Snyder Brothers Moving, Inc., t/d/b/a George Transportation Company** (729 West New Castle Street, Zelienople, Butler County, PA 16063), a corporation of the Commonwealth of Pennsylvania—inter alia—household goods in use, between points in the county of Butler: *so as to permit* the transportation of household goods in use: (1) between points in the city of Monongahela, Washington County, and within 5 miles by the usually traveled highways of said city; (2) between points in the borough of Donora, Washington County, and within 3 miles of the limits of said borough; (3) from points in the borough of Donora, Washington County, and within 15 miles by the usually traveled highways of the limits of said borough, to other points in Pennsylvania, and vice versa; and (4) from points in the city of Monongahela, Washington County, and within an airline distance of 5 miles of the limits of the city hall in the city of Monongahela, to points within an airline distance of 25 miles of the city hall in the city



of Monongahela, and vice versa; which is to be a transfer of part of the rights authorized under the certificate issued at A-00101130, F. 1, Am-B to Tara Trucking, Inc., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

**Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.**

**A-00114508, Folder 1 Am-B. Fancee Limousine Service, Inc.** (3955 Drybrook Road, Falconer, Chautauqua County, New York 14733), a corporation of the state of New York—persons in limousine service between points in the counties of Warren and Erie, and from points in said counties, to points in Pennsylvania, and return: *so as to permit* the transportation of persons in limousine service, between points in McKean County, and from points in said county, to points in Pennsylvania, and return.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-251. Filed for public inspection February 12, 1999, 9:00 a.m.]

### Telecommunications

**A-310785. Bell Atlantic-Pennsylvania, Inc. and Globaline Telecommunications, Inc.** Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Globaline Telecommunications, Inc., for approval of a Resale Agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Globaline Telecommunications, Inc., by its counsel, filed on January 26, 1999, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a Resale Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Globaline Telecommunications, Inc., Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-252. Filed for public inspection February 12, 1999, 9:00 a.m.]

### Water Service Without Hearing

**A-120007F0004 and A-210850F2000. Nido's Ltd., Inc.** Application of Nido's Ltd., Inc., for (1) approval of the transfer of all the property and rights of Emlenton Water Company to Nido's Ltd., Inc., docketed at A-120007F0004; and (2) for the approval of the abandonment of water service to the public in the Commonwealth of Pennsylvania by Emlenton Water Company, docketed at A-210850F2000.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before March 1, 1999, under 52 Pa. Code (relating to public utilities).

*Applicants:* Nido's Ltd., Inc. and Emlenton Water Company

*Through and By Counsel:* Bruno A. Muscatello, Esquire and John M. Biondi, Esquire, Stepanian & Muscatello, 228 South Main Street, Butler, PA 16001.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-253. Filed for public inspection February 12, 1999, 9:00 a.m.]

## STATE POLICE

### Meeting Notice

The State Police will be hosting a Discovery Day at the Sheraton Inn Harrisburg, 800 East Park Drive, Harrisburg, PA on February 26, 1999, from 9 a.m. to 4 p.m. The purpose of Discovery Day is to introduce the Criminal Investigative Traffic Safety Incident Information Management System (IIMS) project to the vendor community. The State Police will present the scope of the project, provide a forum for open discussion regarding the project and present the revolutionary approach that will be used to procure IIMS. Those vendors wishing to attend must RSVP by February 19, 1999, by registering on the State Police IIMS web site at <http://www.psp.state.pa.us> or by calling Ron Wilt, IIMS Project Manager, at (717) 783-5611. Attendance will be limited to two representatives per company.

PAUL J. EVANKO,  
*Commissioner*

[Pa.B. Doc. No. 99-254. Filed for public inspection February 12, 1999, 9:00 a.m.]

# TURNPIKE COMMISSION

## Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated for the following contract:

**Contract No. 98-013-RU83**—Rock cut slope remediation between M. P. 31.60 and 31.81 WB and between M. P. 33.91 and 34.13 WB and EB on the PA Turnpike System in Allegheny County, PA

*Bid Opening Date*—March 4, 1999, 11 a.m.

*Bid Surety*—5%

Plans, specifications and contract documents will be available and open for public inspection at the Administration Building. Copies may be purchased upon payment of \$25 per set by check or P. O. Money Order (No Cash) payable to the Pennsylvania Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. No refund for any reason will be made for plans, specifications and contract documents.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Pennsylvania Department of Transportation is a necessary prerequisite for bidding on this project.

Direct all questions on this project to Kristi Dunleavy, (717) 939-9551, Ext. 5785, fax (717) 986-9645 or e-mail [kdunleav@paturnpike.com](mailto:kdunleav@paturnpike.com).

Contact the Purchasing Manager for a listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 99-255. Filed for public inspection February 12, 1999, 9:00 a.m.]

## Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated for the following contract:

**Contract No. 97-021-RM41**—Rehabilitation and bridge deck replacement for the Pennsylvania Deck Truss Spans of the Delaware River Bridge, M. P. 359.00

*Bid Opening Date*—March 17, 1999, 11 a.m.

*Bid Surety*—5%

Plans, specifications and contract documents will be available and open for public inspection at the Administration Building. Copies may be purchased upon payment of \$35 per set by check or P. O. Money Order (No Cash)

payable to the Pennsylvania Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. No refund for any reason will be made for plans, specifications and contract documents.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Pennsylvania Department of Transportation is a necessary prerequisite for bidding on this project.

A nonmandatory prebid meeting for the project under the direction of the engineer is scheduled for February 24, 1999, at 10 a.m., at the Turnpike Commission's Eastern Regional Office, (610) 279-1645. This office is located at 251 Flint Hill Road, King of Prussia, PA 19406-2637.

Direct questions for this project to Brian M. Ranck, P.E., (717) 939-9551, Ext. 3630, fax (717) 986-8742 or e-mail at [branck@paturnpike.com](mailto:branck@paturnpike.com).

Contact the Purchasing Manager for a listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 99-256. Filed for public inspection February 12, 1999, 9:00 a.m.]

## Request for Proposals; Retention of a Consultant

### Reference No. 146-013

The Turnpike Commission (Commission) will consider entering into a consulting agreement with a firm qualified to develop a long-range plan for the Commission's service plaza operations. The selected firm will be expected to perform customer and market research and conduct traffic studies with respect to service plaza operations. The firm will also be required to investigate real estate development opportunities as they may relate to service plazas. The Commission will expect the selected firm to make recommendations regarding the future location and conceptual nature of service plazas and how the Commission can best serve the needs of its customers in the coming years. The Commission will consider proposals from all qualified firms for the preparation of the long-range plan.

All interested parties will attend a mandatory meeting scheduled for 11 a.m., March 19, 1999, at the Turnpike Commission offices in the Days Inn, located at Exit 19 of the Turnpike and Rt. 283 and Eisenhower Boulevard in Highspire, PA. Proposals will not be accepted or considered from parties who fail to attend this meeting.

Firms interested in receiving a copy of the Request for Proposals (RFP) should call the bid clerk at (717) 939-9551, Ext. 2830, or send written requests to Jeffrey Hess, Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 99-257. Filed for public inspection February 12, 1999, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employees and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

### Reader's Guide

#### Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
Location: Harrisburg, Pa.  
Duration: 12/1/93-12/30/93  
Contact: Procurement Division  
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦  
(For Commodities: Contact:)  
Vendor Services Section  
717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, *"Frequently Asked Questions About State Contracts,"* explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury  
Room G13 Finance Building  
Harrisburg, PA 17120  
717-787-2990  
1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340**

### Commodities

**1438388** Agricultural supplies—17,050 each tree shelters.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Forestry, Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1522118** Construction and building materials—1 lot F and I furnish and install NAPCO Premium 3000 or Simonton Reflection 5500 double hung replacement windows w/Secure Vue or Keep Safe security glass.

**Department:** Corrections  
**Location:** Cresson, Cambria County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**8504840** Construction and building materials—1 each box precast concrete box culvert.

**Department:** Transportation  
**Location:** Kittanning, Armstrong County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1396118** Food preparation and serving equipment—1 each tilt bowl mixer—similar to Peerless Model HS-8 heavy duty or an approved equal.

**Department:** Corrections  
**Location:** Huntingdon, Huntingdon County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1456118** Food preparation and serving equipment—1 each combi-oven/steamer Rational Model COS-20E by Blodgett or equal.

**Department:** Corrections  
**Location:** Bellefonte, Centre County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1465218** Food preparation and serving equipment—1 each Vulcan steam convection steamer Model VS3616R, two compartment 16 pan regenerated steam convection steamer on 36" base.

**Department:** Public Welfare  
**Location:** White Haven, Luzerne County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1455218** Motor vehicles, trailers and cycles—1 each 1999 model converted wheelchair/passenger van.

**Department:** Public Welfare  
**Location:** White Haven Center, White Haven, Luzerne County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1467308** Motor vehicles, trailers and cycles—1 each 1999 model 15 passenger van wagon Class III, Type 5.

**Department:** Erie Maritime Museum  
**Location:** Erie, Erie County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1497158** Paper and printing—10,800 Mpages 1999 Commonwealth telephone directory.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**8104360** Photographic equipment—1 each Precision aerial camera system.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1513118** Prefab structures and scaffolding—1 each pole shed 60' x 120' x 10'.

**Department:** Correctional Industries  
**Location:** Huntingdon, Huntingdon County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1536188** Promotional items—1,500 each illuminated signs size 16" H x 20" W molded high density polyethylene 4.5" deep custom colored matched to PMS-354-C green.

**Department:** Revenue  
**Location:** Middletown, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1503078** Refrigerator and air conditioning equipment—1,200 each smoke detectors, ionization model with nonremovable lithium battery operated with alarm silencer "Hush" button.

**Department:** Health  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**8211750** Service and trade equipment—1 each furnish and deliver a squeeze roll applicator Walco Model 820, Contech Model SRA 1000.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**73200-98-17** Textiles—Canvas 100% cotton, numbered duck, heavy 2/0 natural minimum weight 31.90 oz/sq. yd., untreated.

**Department:** Correctional Industries  
**Location:** Dallas, Luzerne County, PA  
**Duration:** FY 98—99  
**Contact:** State Correctional Institution Dallas, Joseph P. Kanjorski, (570) 773-2158 Ext. 560

**4710-3000-000** Electrical—Electrical conduit—galvanized conduit, EMT conduit liquid tight flexible nonmetallic conduit.

**Department:** Corrections  
**Location:** Quehanna Boot Camp, Karthaus, Clearfield County, PA  
**Duration:** FY 98—99  
**Contact:** Quehanna Boot Camp, Janine E. Packard, (814) 765-0644, ext. 234

**3510-0120-000** Service and trade equipment—Contractor to provide washers and dryers.

**Department:** Corrections  
**Location:** Albion, Erie County, PA  
**Duration:** FY 98—99  
**Contact:** State Correctional Institution Albion, Lesley S. Jarrett, (814) 756-5778

**FIRE-66** Clothing and individual equipment—Boots, Red Wing shoes Model No. 8220 or approved equal.

**Department:** State Police  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** State Police, Robert D. Stare, (717) 783-5485

**PAT-24** Tools—Miscellaneous tools, that is pliers, hammers, wrenches, tool boxes, and the like.

**Department:** State Police  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** State Police, Robert D. Stare, (717) 783-5485

**70000-98-9** Upholstery material—Upholstery material 100% polyester width 66" weight 18.6 oz. per linear yard, Berwick pattern.

**Department:** Correctional Industries  
**Location:** Frackville, Schuylkill County, PA  
**Duration:** FY 98—99  
**Contact:** State Correctional Institution Mahanoy, Joseph P. Kanjorski, (570) 773-2158, Ext. 560

## SERVICES

### Agricultural Services—02

**23-60003029** Provide fish feed used in a Statewide fish culture program during the period April 1 through June 30, 1999. Fish feed products purchased in bulk and bagged quantities only from vendors who have had their products tested and accepted by the Fish and Boat Commission.

**Department:** Fish and Boat Commission  
**Location:** Statewide to various fish culture stations as requested  
**Duration:** April 1, 1999—June 30, 1999  
**Contact:** Dennis C. Ricker, (814) 359-5141

**98-CI005** Fertilizers—phosphate monoammonium, 75% urea, 25% ammonium sulfate. Bulk corn starter monoammonium phosphate. To be used on 2,200 acres at State Correctional Institution Rockview. Vendor also to supply Tyler spread from March 1 to June 30, 1999.

**Department:** Corrections  
**Location:** Correctional Industries, State Correctional Institution Rockview, Bellefonte, PA  
**Duration:** 1—3 years  
**Contact:** MaryAnn Ulrich, (717) 731-7134

### Audio/Video—04

**999-3500-000** Contractor shall supply all service and technical support for Fujitsu 9600 PBX telephone system with battery back-up. Contract term (approximate): April through May (12 months).

**Department:** Corrections  
**Location:** State Correctional Institution Houtzdale, State Route 2007, P. O. Box 1000, Houtzdale, PA 16698-1000  
**Duration:** Twelve (12) months—approximate from April—May  
**Contact:** Diane K. Davis, (814) 378-1006

**L&I 1-99** Multimedia projector. 2 each Infocus Lite Pro or equivalent: XGA multimedia projector—ultra portable—two sources. 1 for computer, 1 for full motion video—2 each hard carry cases w/wheels and handle.

**Department:** Labor and Industry  
**Location:** Labor Law Compliance, 7th and Forster Streets, Room 1301, Harrisburg, PA 17120  
**Duration:** One time purchase  
**Contact:** Edward McNamee, (717) 787-4670

**Sec. 03-99** Vendor to provide maintenance and repair services, as needed, to the State Correctional Institution Graterford for all two way radio equipment—mobile, portable and stationary units.

**Department:** Corrections  
**Location:** State Correctional Institution Graterford, Box 246, Route 29, Graterford, PA 19426  
**Duration:** 3 years  
**Contact:** Kelly Richardson, Purchasing Agent II, (610) 489-4151

**SP-260009** Provide all labor, parts, materials, tools, supervision and transportation necessary to perform preventive maintenance inspections once a year and repairs when requested by the PLCB on 97 Burle closed circuit television surveillance systems located in various Wine & Spirits Shoppes throughout Bucks, Chester, Delaware, Montgomery and Philadelphia County.

**Department:** Liquor Control Board  
**Location:** See Above  
**Duration:** One (1) year with the right to renew for three additional 1-year periods  
**Contact:** Betty J. Goodling, (717) 787-6360

### Computer Related Services—08

**1881810003** The Commonwealth of Pennsylvania, Department of Revenue, Bureau of Imaging and Document Management desires to engage vendor services to provide data entry and key verification of Pennsylvania State Income Tax records, bid proposals to be submitted for PA-41 (Long Form) clean and establish, price per thousand, and PA-65 (Long Form) clean and establish, price per thousand records. Prices and daily production volumes must be stated in terms of 900 character records and firm for the period of April 1, 1999 to December 31, 1999 during the initial contract period. Records are to be recorded on 9 track 1600 B.P.I. magnetic tape. One contract will be awarded.

**Department:** Revenue  
**Location:** 1854 Brookwood Street, Harrisburg, PA 17104  
**Duration:** April 1, 1999 to December 31, 1999  
**Contact:** William A. Lupp, (717) 772-5465

**ESU 405-99 INT** Internet access. East Stroudsburg University is accepting requests for bids on Request for Proposal (RFP) number ESU 405-99-INT. Vendor to supply Internet service to the University for users both on and off campus. Three speeds are being requested: higher speed: minimum of 257K 9 cable modem, ASDL, satellite, wireless. Medium speed: Minimum of 57.0K to 256K digital modem. Lower speed: Minimum of 28.8K—56K analog modem. Fax bid requests or questions to Ann Zaffuto at (717) 422-3777. All responsible firms are invited to participate including MBE/WBE.

**Department:** State System of Higher Education  
**Location:** East Stroudsburg University, East Stroudsburg, PA 18301-2979  
**Duration:** 3 years  
**Contact:** Ann Zaffuto, Contracts Manager, (570) 422-3595

**SU-41000** Pharos Uniprint software to include installation, training and support. Bid due date will be February 22, 1999 by 4 p.m. Bid opening will be held at 2 p.m. on February 23, 1999. Vendors interested in receiving a bid package should fax their request to Janet Neidigh, Purchasing Agent, at (717) 532-1350.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg Township, Shippensburg, Cumberland County, PA  
**Duration:** Indeterminate 1998—99  
**Contact:** Janet Neidigh, (717) 532-1386

## Construction and Construction Maintenance—09

**8067000200** Furnish all labor, materials, equipment, tools and supervision to install a 50' wide by 159' long by 16' high pole building at the Embreeville Center. To receive specifications, submit fax request to Beverly O. Epting, Hamburg Center, Hamburg, PA 19526, fax (610) 562-6025.

**Department:** Public Welfare  
**Location:** Embreeville Center, Coatesville, PA 19320  
**Duration:** 90 days from effective date of contract  
**Contact:** Beverly O. Epting, (610) 562-6031

**DGS 184-23 Phase 2, Unit 1** Project title: Flood Control Project on Mill Creek. Brief description: Construction of a debris basin, 6,340 linear feet of concrete channel, a pedestrian bridge, three concrete culverts, a steel plate liner tunnel, bulkhead structures for access to the channel and drainage structures. Estimated range—\$5,000,000 to \$10,000,000. General construction. Plans deposit: \$50 per set. Payable to: Department of Environmental Protection. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. Mail requests to: Department of Environmental Protection, Construction Contracts Section, P.O. Box 8452, Harrisburg, PA 17105-8452, (717) 783-7929. Bid date: Wednesday, March 10, 1999 at 1 p.m. A prebid conference has been scheduled for Wednesday, February 24, 1999 at 10 a.m. at Avoca Borough Community Center, 800 Main Street, Avoca, PA. Contact person: Paul Ebright, (717) 783-7929. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Flood Control Project on Mill Creek, Borough of Avoca, Luzerne County, PA  
**Duration:** 530 or 600 calendar days from date of initial job conference, depending on which of these two time periods is selected for award  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 404-55** Project title: Renovation of Harvey Hall. Brief description: The work consists of exterior and interior renovations and site work to the existing two story Harvey Hall Building, including general, HVAC, plumbing and electrical construction. Hazardous materials abatement will be required as part of the general construction. Estimated range: \$2,000,000 to \$5,000,000. General, HVAC, plumbing and electrical construction. Plans deposit: \$150 per set. Payable to: Foreman Architects/Engineers. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Foreman Architects/Engineers, Box 189, 525 West New Castle Street, Zelenople, PA 16063, (724) 452-9690. Bid date: Wednesday, March 3, 1999 at 11 a.m.

**Department:** General Services  
**Location:** Clarion University of PA, Clarion, Clarion County, PA  
**Duration:** 250 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 503-111** Project title: Replace Roofing—Auditorium/Gym. Brief description: Remove existing built-up roof system, (roof system contains asbestos), remove wood blocking, gravel stops, flashing, insulation, and the like. Install new gravel stop, new fully adhered single ply thermoplastic roof system and insulation with 10 year warranty. Estimated range: \$100,000 to \$500,000. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, February 24, 1999 at 1 p.m.

**Department:** General Services  
**Location:** Danville State Hospital, Danville, Montour County, PA  
**Duration:** 90 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 513-84** Project title: Install Stand-By Generators. Brief description: Furnish and install three stand-by generators in electrical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, February 24, 1999 at 11 a.m.

**Department:** General Services  
**Location:** Torrance State Hospital, Torrance, Westmoreland County, PA  
**Duration:** 150 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 552-73** Project title: Roof Repair/Replace. Brief description: Remove aged shingle roofing from Building No. 2 Southside Dining Rooms. Replace with new 30 year fiberglass-asphalt shingles and related flashing. Estimated range: under \$100,000. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, February 24, 1999 at 11 a.m.

**Department:** General Services  
**Location:** Polk Center, Polk, Venango County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 590-37** Project title: Replace 15 KV Feeders No. 1 and No. 2. Brief description: Replace existing 15 KV aluminum feeders with new EPR copper feeders. Estimated range: \$100,000 to \$500,000. Electrical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, February 24, 1999 at 1 p.m. A prebid conference has been scheduled for Wednesday, February 10, 1999 at 1:30 p.m. in the Administration Building No. 1 on the Second Floor in the Conference Room at the Youth Development Center, Bensalem, PA. Contact: Harford Williams, (215) 953-6581. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Youth Development Center, Bensalem, Bucks County, PA  
**Duration:** 200 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 946-2 Phase 9** Project title: Annex Plaza, Landscaping and Exterior Work. Brief description: Remove existing landscaping material around the perimeter of the building and plant new trees, shrubs and ground cover with an integrated irrigation system. Remove existing concrete pavement and sub-base at the front entrance and replace with new granite pavers supported by a new concrete support slab, frost walls and granite curbs. Patch, repair and replace existing damaged work. Estimated range: \$100,000 to \$500,000. General construction. Plans deposit: \$55 per set. Payable to: Vitetta Group. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Vitetta Group, 642 North Broad Street, Philadelphia, PA 19130, (215) 235-3500. Bid date: Wednesday, February 24, 1999 at 2 p.m.

**Department:** General Services  
**Location:** Capitol Annex Building, Harrisburg, Dauphin County, PA  
**Duration:** 125 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 948-35 Phase I, Part J** Project title: Fire Safety Code Improvements. Brief description: Disconnect, remove and transport to off-site environmentally controlled storage area all Senate chamber furniture, furnishings, and the like, return and reinstall. Construction includes high scaffolding sprinkler and fire alarm systems, new communications/data wiring, replacement of existing wiring systems, rehabilitation of monumental fixtures, new lighting and panels. Estimated range: \$1,000,000 to \$2,000,000. General and electrical construction. Plans deposit: \$90 per set. Payable to: Brinjac, Kambic and Associates. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Brinjac, Kambic and Associates, 114 North Second Street, Harrisburg, PA 17101, (717) 233-4502. Bid date: Wednesday, March 3, 1999 at 2 p.m. A prebid conference has been scheduled for Friday, February 19, 1999 at 10 a.m. in the Arsenal Building Corporate Board Room, 18th and Herr Streets, Harrisburg, PA 17125. Contact: Dean Arensdorf, (717) 782-8842. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Capitol Complex, Harrisburg, Dauphin County, PA  
**Duration:** August 20, 1999 or September 1, 1999, depending on which of these two time periods is selected for award  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 951-50** Project title: Door, Lock and Panic Hardware Replacement. Brief description: Replace all deteriorated exterior doors, frames and hardware. Estimated range: \$100,000 to \$500,000. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed below. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, March 3, 1999 at 11 a.m. A prebid conference has been scheduled for Monday, February 22, 1999 at 1 p.m. in the Seminar Theatre at Hiram G. Andrews Center, Johnstown, PA. Contact: Bill McClester, (814) 255-8335. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Hiram G. Andrews Center, Johnstown, Cambria County, PA  
**Duration:** 210 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 1700-31** Project title: Removal of Underground Storage Tanks. Brief description: Remove one existing 2,000 gallon underground fuel oil storage tank and one existing 500 gallon underground gasoline storage tank, concrete pads, fuel dispenser, exposed piping and electrical conduit. Perform site assessment, sampling and testing. Backfill and restore excavated site. Estimated range: under \$100,000. UST/AST construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a check for \$5 per set made payable to Commonwealth of Pennsylvania or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, February 17, 1999 at 2 p.m.

**Department:** General Services  
**Location:** State Fire Academy, Lewistown, Mifflin County, PA  
**Duration:** 90 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**Contract No. FDC-120-568** Furnishing, spreading and compacting 2A aggregate (200 tons), ID-3 wearing material (800 tons), and rolled bituminous curb (180 l.f.). Work is located at R. B. Winter State Park.

**Department:** Conservation and Natural Resources  
**Location:** Hartley Township, Union County, PA  
**Duration:** 60 days  
**Contact:** Construction Management Section, (717) 787-5055

**FDC-124-443** Excavation, fill, grading and widening of existing roadway; bituminous paving (BCBC—3,400 tons, ID-2—1,100 tons); corrugated polyethylene pipe 12 inch to 30 inch diameter—1,400 l.f.; and 31 end sections; 2 type "S" and 4 type "M" inlets, grading swales and shoulder; and landscaping. All work is located in Sizerville State Park.

**Department:** Conservation and Natural Resources  
**Location:** Portage Township, Cameron and Potter Counties, PA  
**Duration:** Complete all work by June 30, 1999  
**Contact:** Construction Management Section, (717) 787-5055

**MU-97-57** Mansfield University is seeking interested contractors for renovations to Simon B Elliott Hall roof—Project MU-97-57. Construction includes—removal of existing metal roof system and associated components in their entirety down to existing roof and replace sheathing with a shingle roof system. Removal of existing cupola around dome building upon the roof and replace it with a new structure of cupola. Bid packages are available for a nonrefundable fee of \$25 from Peg Chapel, Purchasing Department, Mansfield University, Brooks Maintenance Department, Mansfield, PA 16933. Bid packages are available from February 1, 1999 through prebid. A prebid meeting is scheduled for Thursday, March 11, 1999 at 10 a.m. Bid opening is March 26, 1999 at 2 p.m. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** Mansfield University Campus, Mansfield, PA 16933  
**Duration:** 45 calendar days from Notice to Proceed  
**Contact:** Peg Chapel, (570) 662-4148

**SP-3821218005** Project consists of excavating and paving various campground pads and roadways and construction of concrete sidewalks at Chapman State Park, R. R. 2, Box 1610, Clarendon, PA 16313, Warren County, Pennsylvania. Bids will be opened at the Northcentral Engineering Office, Bureau of Facility Design and Construction, R. R. 4, Box 212, Emporium, PA 15834, Cameron County, on Friday, March 5, 1999, at 2 p.m.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Facility Design and Construction, Chapman State Park, R. R. 2, Box 1610, Clarendon, PA 16313  
**Duration:** March 5, 1999  
**Contact:** Gene A. Strick, Regional Engineer, (814) 486-5637

**SP-3821218006** Project consists of excavating and paving various campground pads and roadways and construction of concrete sidewalks at Hills Creek State Park, R. R. 2, Box 328, Wellsboro, PA 16901, Tioga County, Pennsylvania. Bids will be opened at the Northcentral Engineering Office, Bureau of Facility Design and Construction, R. R. 4, Box 212, Emporium, PA 15834, Cameron County, on Friday, March 5, 1999, at 2 p.m.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Facility Design and Construction, Hills Creek State Park, R. R. 2, Box 328, Wellsboro, PA 16901  
**Duration:** March 5, 1999—June 30, 1999  
**Contact:** Gene A. Strick, Regional Engineer, (814) 486-5637  
**Contract Bidding Unit, (717) 787-6556**

## Elevator Maintenance—13

**04-99** Repairs to electric motors. Details can be obtained through the Purchasing Department.

**Department:** Public Welfare  
**Location:** White Haven Center, White Haven, Luzerne County, PA 18661  
**Duration:** July 1, 1999—June 30, 2004  
**Contact:** Sandra A. Repak, Purchasing Agent, (570) 443-4232

**05-99** Repairs to elevators. Details can be obtained through the Purchasing Department.

**Department:** Public Welfare  
**Location:** White Haven Center, White Haven, Luzerne County, PA 18661  
**Duration:** July 1, 1999—June 30, 2004  
**Contact:** Sandra A. Repak, Purchasing Agent, (570) 443-4232

## Engineering Services—14

**08430AG2294** To provide construction inspection services on S. R. 0079-A22, Interstate Route 79 ITS from West Virginia to Erie in Allegheny, Lawrence, Greene, Washington, Butler, Mercer, Crawford and Erie Counties; and on S. R. 0376-A21 I376 ITS from the Squirrel Hill Tunnel to Rodi Road.

**Department:** Transportation  
**Location:** Engineering District 11-0  
**Duration:** Six (6) calendar months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2295** Two bridge rehabilitation projects, S. R. 0611, Section 04S in Bucks County and S. R. 3020, Section 98S in Montgomery County, involving five structures including bridge deck rehabilitation including latex modified testing and overlay, safety parapet, shape retrofit, replacement of expansion joints, substructure spall repairs, bearing repairs, scour protection for four bridges, and minor approach roadway improvements.

**Department:** Transportation  
**Location:** Engineering District 6-0  
**Duration:** Thirty-six (36) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

## Environmental Maintenance—15

**SPC 3881409001** The Bureau of Forestry requires the drilling of 181 holes with an auger of sufficient diameter to allow for insertion of 4 inch x 4 inch and 6 inch x 6 inch wooden posts to erect a deer enclosure fence in Ogle Township, Somerset County.

**Department:** Conservation and Natural Resources  
**Location:** Forestry, Ogle Township, Somerset County, PA  
**Duration:** April 1, 1999 to June 1, 1999  
**Contact:** Tina M. Alban, (814) 364-5150

## Financial and Insurance Consulting—17

**No. 98-004** The Department of the Auditor General is seeking professional investment consultant services under this contract. These professional services will provide the Department with current trends, training and general consulting services on various investment issues as requested by the audit bureaus within the Department. All requests must be in writing and faxed to Andrea Quigley at (717) 787-2518 by February 23, 1999.

**Department:** Auditor General  
**Location:** Harrisburg, PA  
**Duration:** April, 1999 to June 30, 2000  
**Contact:** Andrea Quigley, (717) 787-2433

**No. 98-005** The Department of the Auditor General is seeking professional actuarial consultant services under this contract. These professional services will provide the Department with current trends, training and general consulting services on various actuarial issues as requested by the audit bureaus within the Department. All requests must be in writing and faxed to Andrea Quigley at (717) 787-2518 by February 23, 1999.

**Department:** Auditor General  
**Location:** Harrisburg, PA  
**Duration:** April, 1999 to June 30, 2000  
**Contact:** Andrea Quigley, (717) 787-2433

## Firefighting Services—18

**9999 2000 000** The contractor shall provide recharging, hydrostatic testing for fire extinguishers and SCBA cylinders for the State Correctional Institution at Mahanoy. Vendor to request bid package in writing.

**Department:** Corrections  
**Location:** State Correctional Institution at Mahanoy, 301 Morea Road, Frackville, Schuylkill County, PA 17932  
**Duration:** July 1, 1999 to June 30, 2002  
**Contact:** Ann M. Gavala, Purchasing Agent, (570) 773-2158, fax (570) 621-3096

## Food—19

**5974** Coffee, decaffeinated, bag-in-a-box, for April through December, 1999. Specifications and delivery dates available upon request from agency.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105  
**Duration:** April through December 1999  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

**G-99-01** Milk: contract shall cover the period of March 1, 1999 through December 31, 1999. Bids will be issued on an as needed basis. Delivery of product will be made 1 or 2 days each week or more often if deemed necessary by the institution. Prices are subject to the Pennsylvania Milk Marketing Board.

**Department:** Corrections  
**Location:** State Correctional Institution—Greene, 1030 East Roy Furman Highway, Waynesburg, PA 15370-8089  
**Duration:** March 1, 1999 through December 31, 1999  
**Contact:** Carol A. Teegarden, (724) 852-5515

**G-99-02** Margarine: Contract shall cover the months of February 1, 1999 through December 31, 1999 with issuance of bid proposals being made on an as needed basis. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution—Greene, 1030 East Roy Furman Highway, Waynesburg, PA 15370-8089  
**Duration:** February 1, 1999 through December 31, 1999  
**Contact:** Carol A. Teegarden, (724) 852-5515

**G-99-03** Fresh fruits and vegetables: Contract shall cover the months of April 1, 1999 through December 31, 1999 with issuance of bid proposals being made on a quarterly basis. Delivery of the products specified shall be made as needed and requested by the institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution—Greene, 1030 East Roy Furman Highway, Waynesburg, PA 15370-8089  
**Duration:** April 1, 1999 through December 31, 1999  
**Contact:** Carol A. Teegarden, (724) 852-5515

**G-99-04** Fish and seafood: Contract shall cover the months of February 1, 1999 through December 31, 1999 with issuance of bid proposals being made on an as needed basis. Delivery of the products specified shall be made as needed and requested by the institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution—Greene, 1030 East Roy Furman Highway, Waynesburg, PA 15370-8089  
**Duration:** February 1, 1999 through December 31, 1999  
**Contact:** Carol A. Teegarden, (724) 852-5515

**G-99-05** Cheese products: Contract shall cover the months of February 1, 1999 through December 31, 1999 with issuance of bid proposals being made on an as needed basis. Delivery of the products specified shall be made as needed and requested by the institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution—Greene, 1030 East Roy Furman Highway, Waynesburg, PA 15370-8089  
**Duration:** February 1, 1999 through December 31, 1999  
**Contact:** Carol A. Teegarden, (724) 852-5515

**G-99-06** Bread and related products: Contract shall cover the months of July 1, 1999 through December 31, 1999 with issuance of bid proposals being made on an as needed basis. Delivery of the products specified shall be made as needed and requested by the institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution—Greene, 1030 East Roy Furman Highway, Waynesburg, PA 15370-8089  
**Duration:** July 1, 1999 through December 31, 1999  
**Contact:** Carol A. Teegarden, (724) 852-5515

**G-99-07** Shell eggs: Contract shall cover the months of April 1, 1999 through December 31, 1999 with issuance of bid proposals being made on a quarterly basis. Delivery of the products specified shall be made as needed and requested by the institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution—Greene, 1030 East Roy Furman Highway, Waynesburg, PA 15370-8089  
**Duration:** April 1, 1999 through December 31, 1999  
**Contact:** Carol A. Teegarden, (724) 852-5515

**G-99-09** Poultry and poultry products: Contract shall cover the months of February 1, 1999 through December 31, 1999 with issuance of bid proposals being made on an as needed basis. Delivery of the products specified shall be made on an as needed basis as requested by the institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution—Greene, 1030 East Roy Furman Highway, Waynesburg, PA 15370-8089  
**Duration:** February 1, 1999 through December 31, 1999  
**Contact:** Carol A. Teegarden, (724) 852-5515

**G-99-10** Meat and meat products: Contract shall cover the months of February 1, 1999 through December 31, 1999 with issuance of bid proposals being made on an as needed basis. Delivery of the products specified shall be made as needed and requested by the institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution—Greene, 1030 East Roy Furman Highway, Waynesburg, PA 15370-8089  
**Duration:** February 1, 1999 through December 31, 1999  
**Contact:** Carol A. Teegarden, (724) 852-5515



## Fuel Related Services—20

**11099005** Work shall consist of inspection, preventive maintenance service and minor repairs of various asphalt storage tanks located in Allegheny, Beaver and Lawrence Counties. Repairs will include replacing and reinsulating piping, replacing T-Stats, replacing fuel gauge, and the like.

**Department:** Transportation  
**Location:** Engineering District 11-0: Allegheny, Beaver and Lawrence Counties, PA  
**Duration:** April 1, 1999 through March 31, 2000 with renewal options  
**Contact:** Anthony Golembiewski, (412) 429-4942

## HVAC—22

**01** Furnish emergency generator: to be delivered and placed at a location acceptable to facility personnel.

**Department:** Public Welfare  
**Location:** Youth Forestry Camp No. 2, Hickory Run State Park, White Haven, PA 18661  
**Duration:** February 1, 1999 through June 30, 1999  
**Contact:** Rose M. Palermo, (570) 443-9524

**98107** Centrifuged chillers—Contractor will provide for maintenance and emergency service to the centrifugal chillers at State Correctional Institution—Chester. This contract would provide for annual winter maintenance, inspection, scheduled prevention maintenance and emergency service to the centrifugal chillers. Contractor will provide all major labor to diagnose, repair and/or replace failed components of the equipment. More detailed information can be obtained from the institution.

**Department:** Corrections  
**Location:** State Correctional Institution—Chester, 500 East 4th Street, Chester, PA 19013  
**Duration:** July 1, 1999—June 30, 2000  
**Contact:** Jacqueline Newson, Purchasing Agent, (610) 490-4370

**98108** Water treatment for boilers and chillers—Contractor will supply chemicals and equipment for testing and water treatment of the boilers and chillers at the facility. More detailed information can be obtained from the institution.

**Department:** Corrections  
**Location:** State Correctional Institution—Chester, 500 East 4th Street, Chester, PA 19013  
**Duration:** April 1, 1999—June 30, 2002  
**Contact:** Jacqueline Newson, Purchasing Agent, (610) 490-4370

**98109** Heating, ventilating and air conditioning—Contract would involve the calibration, adjustment and maintenance of the heating and air condition equipment at State Correctional Institution—Chester. The contract would provide for scheduled maintenance service, equipment and labor required for the repair of the system and for emergency support.

**Department:** Corrections  
**Location:** State Correctional Institution—Chester, 500 East 4th Street, Chester, PA 19013  
**Duration:** April 1, 1999—June 30, 2000  
**Contact:** Jacqueline Newson, Purchasing Agent, (610) 490-4370

**11099006** Provide total maintenance and repairs for the complete HVAC system at Engineering District 11-0 Office Building.

**Department:** Transportation  
**Location:** Engineering District 11-0 Office Building, Allegheny County, PA  
**Duration:** April 1, 1999 through March 31, 2000 with renewal options  
**Contact:** Anthony Golembiewski, (412) 429-4942

**8067000100** Furnish all labor, materials, equipment, tools and supervision to rebuild 16 oil circuit breakers in the main substation of Embreeville Center. To receive specifications, submit fax request to Beverly O. Epting, Hamburg Center, Hamburg, PA 19526, fax (610) 562-6025.

**Department:** Public Welfare  
**Location:** Embreeville Center, Coatesville, PA 19320  
**Duration:** 90 days from effective date of contract  
**Contact:** Beverly O. Epting, (610) 562-6031

**A-98-092** Vendor to provide all equipment and labor to clean duct work, vents and hood areas in three kitchens located at the State Correctional Institution Graterford. Service to include cleaning of duct work running from kitchen areas to roof areas.

**Department:** Corrections  
**Location:** State Correctional Institution Graterford, Box 246, Route 29, Graterford, PA 19426  
**Duration:** 3–6 months  
**Contact:** Kelly Richardson, (610) 489-4151, Ext. 2429

**DLR 3503** Coal stoker and grating assembly equipment—1 each Pawl No. PDU-1180-C, one each Pin, through connecting rod end link No. 10204, 1 each Pin, wrist for ram No. 10188, one each Ram No. SSU-1183-A, one each Pin, push rod extension No. 566-A, one each Pin, Shear 7/16" diameter No. 10137, one each Liner, ram case for U-1203 and U-1204, 100 each Tuyere, active No. U-6773, four each filler, Tuyere No. U-1306, Tuyere, 24 each Tuyere blank No. U-1305, two each Grate 6" side No. U-1024-C, 12 each Grate, 12" side No. U-1023-C manufactured by Detroit Stoker Co. or approved equal.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** February 18, 1999 through June 30, 1999  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, Ext. 125

**Contract No. FDC-306-482** Underwater inspection of in-take structure: inspection of 36" diameter outlet pipe; wire-saw cutting concrete; diversion and care of water; miscellaneous metal work; sealing of joints; provide and place new debris boom. Work is located in Gifford Pinchot State Park.

**Department:** Conservation and Natural Resources  
**Location:** Warrington Township, York County, PA  
**Duration:** Complete all work by September 30, 1999  
**Contact:** Construction Management Section, (717) 787-5055

**SP-3821218007** Provide and install a 5 ton heat pump complete with all duct work and miscellaneous items at Bald Eagle State Park, 149 Main Park Road, Howard, PA 16841, Centre County, Pennsylvania. Bids will be opened at the Northcentral Engineering Office, Bureau of Facility Design and Construction, R. R. 4, Box 212, Emporium, PA 15834, Cameron County, on Friday, March 5, 1999, at 2 p.m.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Facility Design and Construction, Bald Eagle State Park, 149 Main Park Road, Howard, PA 16841  
**Duration:** March 5, 1999—June 30, 1999  
**Contact:** Gene A. Strick, Regional Engineer, (814) 486-5637

## Janitorial Services—23

**Bid No. 7855** Furnish all equipment, materials and labor to perform janitorial services including empty waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, general housecleaning twice a year, shampoo carpets. Detailed work schedule and bid must be obtained from the facility management division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Tionesta Station, R. D. 1, Box 43DD, Tionesta, Forest County, PA 16353-9502  
**Duration:** July 1, 1999 to June 30, 2002  
**Contact:** Joan Berkoski or Donna Enders, (717) 783-5484

**Bid No. 7856** Furnish all equipment, materials and labor to perform janitorial services including empty waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, to include snow removal from sidewalks, as required, semiannual housecleaning at the discretion of the Commanding Officer or his representative at the Rockview Station, 745 South Eagle Valley Road, Bellefonte, PA 16823. Detailed work schedule and bid must be obtained from the facility management division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Rockview Station, 745 South Eagle Valley Road, Bellefonte, PA 16823  
**Duration:** July 1, 1999 to June 30, 2002  
**Contact:** Joan Berkoski or Donna Enders, (717) 783-5484

**Bid No. 7857** Furnish all labor, equipment and materials to perform janitorial services two visits per week at the Hazleton Procurement and Supply Facility, 230 Dessen Drive, Hazleton, PA 18201, including damp mop tile floors, wipe walls and doors, clean lavatories, wash windows inside and outside, semiannual housecleaning at the discretion of the Officer in Charge or his representative. Detailed work schedule and bid specifications must be obtained from the facility management division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Hazleton Procurement and Supply Facility, 230 Dessen Drive, Hazleton, PA 18201  
**Duration:** July 1, 1999 to June 30, 2002  
**Contact:** Joan Berkoski or Donna Enders, (717) 783-5484

**Bid No. 7858** Furnish all labor, equipment and materials to perform janitorial services, including empty waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, general housecleaning twice a year, shampoo carpets. Detailed work schedule and bid must be obtained from the facility management division, (717) 783-5484.

**Department:** State Police

**Location:** Facility Management Division, Fogelsville Station, 8320 Schantz Road, Breinigsville, PA 18031

**Duration:** July 1, 1999 to June 30, 2001

**Contact:** Joan Berkoski or Donna Enders, (717) 783-5484

**Bid No. 7859** Furnish all labor, equipment and materials to perform janitorial services, including empty waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, general housecleaning twice a year, shampoo carpets. Detailed work schedule and bid must be obtained from the facility management division, (717) 783-5484.

**Department:** State Police

**Location:** Facility Management Division, Bureau of Emergency and Special Operations, 171 East Hershey Park Drive, P. O. Box 444, Hershey, PA 17033-0444

**Duration:** July 1, 1999 to June 30, 2002

**Contact:** Joan Berkoski or Donna Enders, (717) 783-5484

**Bid No. 7860** Furnish all labor, equipment and materials to perform janitorial services, including empty waste baskets, clean lavatories, sweep floors, vacuum carpets, dust furniture, wash windows inside and outside, general housecleaning twice a year and shampoo carpets at the Lancaster Headquarters, 2099 Lincoln Highway East, Lancaster, PA 17602. Detailed work schedule and bid must be obtained from the facility management division, (717) 783-5484.

**Department:** State Police

**Location:** Facility Management Division, Lancaster Headquarters, 2099 Lincoln Highway East, Lancaster, PA 17602

**Duration:** July 1, 1999 to June 30, 2002

**Contact:** Joan Berkoski or Donna Enders, (717) 783-5484

**Bid No. 7861** Furnish all labor, equipment and materials to perform services, including empty waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, general housecleaning twice a year, shampoo carpets, and the like at the Pennsylvania State Police, Kittanning Station, R. D. 8, Box 49, Kittanning, PA 16201-8880. Detailed work schedule and bid must be obtained from the facility management division, (717) 783-5484.

**Department:** State Police

**Location:** Facility Management Division, Kittanning Station, R. D. 8, Box 49, Kittanning, PA 16201

**Duration:** July 1, 1999 to June 30, 2002

**Contact:** Joan Berkoski or Donna Enders, (717) 783-5484

**Bid No. 7862** Furnish all labor, equipment and materials to perform janitorial services three visits per week at the Beaver Station, 1400 Brighton Road, Beaver, PA 15009, including damp mop tile floors, sweep carpets, wipe walls and doors, clean lavatories, wash windows inside and outside, semiannual housecleaning at the discretion of the Officer in Charge or his designated representative. Snow removal from sidewalks included in specifications. Detailed work schedule and bid must be obtained from the facility management division, (717) 783-5484.

**Department:** State Police

**Location:** Facility Management Division, Beaver Station, 1400 Brighton Road, Beaver, Beaver County, PA 15009

**Duration:** July 1, 1999 to June 30, 2002

**Contact:** Joan Berkoski or Donna Enders, (717) 783-5484

**Bid No. 7863** Furnish all equipment, materials and labor to perform janitorial services including empty waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, semiannual housecleaning at the discretion of the Station Commander at Philipsburg Station, Rural Route 1, Box 64A, Philipsburg, PA 16866. Detailed work schedule and bid must be obtained from the facility management division, (717) 783-5484.

**Department:** State Police

**Location:** Facility Management Division, Philipsburg Station, Rural Route 1, Box 64A, Philipsburg, PA 16866

**Duration:** July 1, 1999 to June 30, 2002

**Contact:** Joan Berkoski or Donna Enders, (717) 783-5484

**Bid No. 7864** Furnish all labor, materials and equipment to perform janitorial services, including empty waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, general housecleaning twice a year, shampoo carpets at the Gettysburg Station, 3033 Old Harrisburg Road, Gettysburg, PA 17325. Detailed work schedule and bid must be obtained from the facility management division, (717) 783-5484.

**Department:** State Police

**Location:** Facility Management Division, Gettysburg Station, 3033 Old Harrisburg, Pike, Gettysburg, Adams County, PA 17325

**Duration:** July 1, 1999 to June 30, 2002

**Contact:** Joan Berkoski or Donna Enders, (717) 783-5484

**541001** Complete (inside and outside) cleaning of windows on the campus of East Stroudsburg University. Must be scheduled between August 16, 1999 and August 31, 1999 with the housekeeping department. Work must be accomplished only on clear days. Contractor must provide proof of appropriate insurance coverage (that is, liability and Workmen's Compensation). All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education

**Location:** East Stroudsburg University, East Stroudsburg, PA 18301

**Duration:** August 16, 1999—August 31, 1999

**Contact:** William Roth, (717) 424-3203

**IFB98-105** Janitorial cleaning and management service contract from April 15, 1999 through April 14, 2000 with 4 optional years. 10% bid proposal security requirement. Estimated 11,700 hours. Required prebid conference February 16, 1999 at 8:15 a.m.

**Department:** Education

**Location:** Scranton State School for the Deaf, 1800 North Washington Avenue, Scranton, PA 18509-1799

**Duration:** April 15, 1999 through April 14, 2000

**Contact:** Merrill Mayenschein, (570) 963-4541

## Laundry/Dry Cleaning—25

**541002** Laundry service: estimated 25,000 lbs. rags and mop heads; 10,000 lbs. linens (includes medical coats/blankets). Contractor will pick-up/deliver from ten laundry sites each Wednesday between 9 a.m. and 3:30 p.m. during normal school sessions. Housekeeping department will notify contractor of changes affected by school vacation periods or closing. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education

**Location:** East Stroudsburg University, East Stroudsburg, PA 18301

**Duration:** July 1, 1999—June 30, 2000

**Contact:** William Roth, (717) 424-3203

## Lodging/Meeting Facilities—27

**SBC 350006** The PA Department of Transportation is soliciting bids from contractors to provide hotel facilities, meals, equipment rental and staff services to coordinate its 1999 Quality Conference. Approximately 1,000 PennDOT employees attend this conference which must be held on 5 consecutive days. Preferred dates for this conference are: 4th week in September or 3rd week in October. Optional dates are: last week of August or the first week in November. Fax all requests to Tina Chubb at (717) 783-7971. Include in your request: Company name; address (no post office boxes if possible), phone number and fax number.

**Department:** Transportation

**Location:** Commonwealth of Pennsylvania

**Duration:** Approximately 1 year

**Contact:** Tonja Jackson, (717) 783-8910

## Mailing Services—28

**PDA 413** Provide overnight service for the pick-up and delivery of packages for the domestic and international markets.

**Department:** Agriculture

**Location:** Statewide

**Duration:** 1 year

**Contact:** Michael Mesaris, (717) 787-5674

**PDA 414** The intrastate pick-up and delivery of laboratory samples in the Commonwealth of Pennsylvania. Contractor must provide service to the entire Commonwealth. The samples consist of blood, urine, plant and food items.

**Department:** Agriculture

**Location:** Statewide

**Duration:** 1 year

**Contact:** Michael Mesaris, (717) 787-5674

**PDA 415** Provide ground service for the shipping of packages within the Commonwealth of Pennsylvania. The packages range in size from 1 pound to 70 pounds. Occasionally packages will be shipped interstate.

**Department:** Agriculture

**Location:** Statewide

**Duration:** 1 year

**Contact:** Michael Mesaris, (717) 787-5674

**Medical Services—29**

**8337** Optometric services for both the Ebensburg Center (Cambria County) and the Altoona Center (Blair County). Contractor to provide annual vision screening for each individual of the Ebensburg and Altoona Centers. Contractor to provide lenses, frames, and the like, as required. Contractor to make referrals to ophthalmologist for medical treatment, if deemed necessary.

**Department:** Public Welfare  
**Location:** Ebensburg and Altoona Centers, Ebensburg Center, Route 22 West, Ebensburg, Cambria County, PA; Altoona Center, 1515 Fourth Street, Altoona, Blair County, PA  
**Duration:** July 1, 1999 through June 30, 2002  
**Contact:** Cora Davis, Purchasing Agent, (814) 472-0288

**6520-0100-000** Dental laboratory services—contractor shall provide dental laboratory services for the dental prosthesis as prescribed by the institution dental clinic. Note: Bid specs available from agency purchasing office.

**Department:** Corrections  
**Location:** State Correctional Institution at Rockview, Box A, Route 26, Bellefonte, Centre County, PA 16823  
**Duration:** July 1, 1999 through June 30, 2002  
**Contact:** Cheryl Snook, Purchasing Agent II, (814) 355-4874, Ext. 206

**BOOT-99-004 MS-1** Consultant to provide training courses for hospital emergency departments on the evaluation and treatment of radiological contaminated injured individuals and training courses for emergency medical services personnel who recover, provide initial first aid to, and transport radiation contaminated injured persons to designated medical treatment facilities.

**Department:** PA Emergency Management Agency  
**Location:** Various locations within the Commonwealth  
**Duration:** July 1, 1999—June 30, 2000 (optional 2nd year)  
**Contact:** Christopher Nolan, (717) 651-2191

**N-0399** Services of a licensed dentist to provide general dental services for students residing at the Youth Development Center, New Castle, PA. Contractor will perform required services on the grounds of the institution. Dental services will be required for 6 hours weekly. Call for specifications, (724) 656-7310.

**Department:** Public Welfare  
**Location:** Youth Development Center, R. R. 6, Box 21A, Frew Mill Road, New Castle, PA 16101  
**Duration:** July 1, 1999 through June 30, 2002  
**Contact:** T. Mateja, Purchasing Agent, (724) 656-7310

**RFA 98-07-08** Requests for applications: The Department of Health announces the availability of Community Primary Care Challenge Grants to develop and implement programs to improve access or availability of comprehensive primary, medical and dental care to residents of underserved areas. If interested, please write or call Barbara Bloom to request a copy of the RFA at Bureau of Health Planning, Room 833, Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108, (717) 772-5298.

**Department:** Health  
**Location:** Various underserved areas throughout Pennsylvania  
**Duration:** September 1, 1999 through August 31, 2001  
**Contact:** Barbara Bloom, (717) 772-5298

**S-0299** Contractor to provide the services of a licensed psychiatrist, on site, at the South West Secure Treatment Unit, Torrance, PA. Psychiatric consulting services will be required for 4 hours weekly for student residents. Call for specifications (724) 656-7310.

**Department:** Public Welfare  
**Location:** Youth Development Center New Castle, South West Secure Treatment Unit, Wiseman Building, TSH, State Route 1014, Torrance, PA 15779  
**Duration:** July 1, 1999 to June 30, 2002  
**Contact:** T. E. Mateja, Purchasing Agent, (724) 656-7310

**Property Maintenance—33**

**063001** Prune trees and remove hazardous trees, stumps, tree limbs and hangers from PennDOT rights of way in Delaware County.

**Department:** Transportation  
**Location:** All of Delaware County  
**Duration:** May 1, 1999 to April 30, 2002  
**Contact:** Charles Stone, (610) 964-6520

**98-C1008** Various container grown tree cultivars, to be used in Correctional Industries nursery.

**Department:** Corrections  
**Location:** Correctional Industries, State Correctional Institution Rockview, Bellefonte, PA  
**Duration:** 1 year  
**Contact:** Maryann Ulrich, (717) 731-7134

**98-C1009** Vendor will supply spray application of chemicals for the following crops: field corn, sweet corn, soybeans, peas, tomatoes and green wax beans. Approximately 4,000 acres.

**Department:** Corrections  
**Location:** Correctional Industries, State Correctional Institution Rockview, Bellefonte, PA  
**Duration:** 1 year  
**Contact:** Maryann Ulrich, (717) 731-7134

**110 99 008** This work consists of furnishing and planting trees, shrubs, seeding, hydro seeding, placing top soil. This work will be required on an as needed basis to control erosion and making environmental improvements to the roadside. Two contracts will be bid; No. 1 Allegheny County; No. 2 Beaver and Lawrence Counties.

**Department:** Transportation  
**Location:** Engineering District 11-0: 1. Throughout Allegheny County; 2. Throughout Beaver and Lawrence Counties, PA  
**Duration:** June 1, 1999 through May 31, 2000 with five 1-year renewals  
**Contact:** Joe DiPietro, (412) 429-4954

**Project No. KU99-13** Kutztown University is seeking qualified contractors for the foam roof replacement at the Student Union Building at Kutztown University. Bid packages are available for a nonrefundable fee of \$30 from: Janet Spahr, STV Architects, 205 West Welsh Drive, Douglassville, PA 19508, (610) 385-8219. Bid packages are available February 15, 1999 through prebid. A prebid meeting has been scheduled for February 25, 1999 at 10 a.m. Bids will be received March 10, 1999 by 2 p.m. and opened March 10, 1999 at 2 p.m. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** 90 days after Notice to Proceed  
**Contact:** Barbara Barish, Contract Specialist, (610) 683-4602

**Project No. KU99-14** Kutztown University is seeking qualified contractors for the foam roof replacement at Deatrick Hall. Bid packages are available for a nonrefundable fee of \$30 from: Janet Spahr, STV Architects, 205 West Welsh Drive, Douglassville, PA 19508, (610) 385-8219. Bid packages are available February 15, 1999 through prebid. A prebid meeting has been scheduled for February 25, 1999 at 10 a.m. Bids will be received March 10, 1999 by 2 p.m. and opened March 10, 1999 at 2 p.m. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** 90 days after Notice to Proceed  
**Contact:** Barbara Barish, Contract Specialist, (610) 683-4602

**Project No. KU99-15** Kutztown University is seeking qualified contractors for foam roof replacement at Bonner and Schuylkill Halls at Kutztown University. Bid packages are available for a nonrefundable fee of \$30 from: Janet Spahr, STV Architects, 205 West Welsh Drive, Douglassville, PA 19530, (610) 385-8219. Bid packages are available February 15, 1999 through prebid. A prebid meeting has been scheduled for February 25, 1999 at 10 a.m. Bids will be received March 10, 1999 by 2 p.m. and opened March 10, 1999 at 2 p.m. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** 90 days after Notice to Proceed  
**Contact:** Barbara Barish, Contract Specialist, (610) 683-4602

**Project No. KU99-16** Kutztown University is seeking qualified contractors for foam roof replacement on Beekey Education Center, DeFrancesco Hall, Sharadin Hall, Risley Hall and the Administration Buildings at Kutztown University. Bid packages are available for a nonrefundable fee of \$30 from: Janet Spahr, STV Architects, 205 West Welsh Drive, Douglassville, PA 19508, (610) 385-8219. Bid packages are available February 15, 1999 through prebid. A prebid meeting has been scheduled for February 25, 1999 at 10 a.m. Bids will be received March 10, 1999 by 2 p.m. and opened March 10, 1999 at 2 p.m. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** 90 days after Notice to Proceed  
**Contact:** Barbara Barish, Contract Specialist, (610) 683-4602

**SP-3821218003** Remove all the existing built up roofing materials including flashing, gravel stops, and the like, and furnish and install an E.P.D.M. roofing system similar and/or equal to Sure-Seal Design "A" (Adhered), as manufactured by Carlisle Syntec Systems. Bids will be opened at the Northcentral Engineering Office, Bureau of Facility Design and Construction, R. R. 4, Box 212, Emporium, PA 15834, Cameron County, on Friday, February 26, 1999, at 2 p.m.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Facility Design and Construction, Shikellamy State Park, Bridge Avenue, Sunbury, PA 17801  
**Duration:** February 6, 1999—June 30, 1999  
**Contact:** Gene A. Strick, Regional Engineer, (814) 486-5637

**WC 712** West Chester University is soliciting sealed bids for Project WC 712—Lawrence Center Dining Hall—Phase 2. The project consists of the demolition of existing seating areas and installation of new finishes including carpet, tile flooring, millwork, paint and utility relocation/adjustment. Work also includes installation of a new food court area which involves new millwork, food service equipment and necessary utilities. It is anticipated that the work will begin on or about May 10, 1999 and end on July 16, 1999. Prevailing wages apply. Five separate prime contracts will be awarded. Specifications are available from L. Robert Kimball & Associates, Washington Square, Suite F, 21 West Washington Street, West Chester, PA 19380, (610) 692-2232. The cost is \$75 for pickup and \$90 if mailed. The prebid will be conducted on March 2, 1999 and the bids are due and will be publicly opened at 11 on March 11, 1999. The cost to have a package Fed exed is \$113.

**Department:** State System of Higher Education  
**Location:** West Chester University, Lawrence Center, West Chester, PA 19383  
**Duration:** May 10, 1999—July 16, 1999  
**Contact:** L. Robert Kimball & Associates, (610) 692-2232

## Real Estate Services—35

**97** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Health with 7,387 useable square feet of new or existing office space in Mercer County, PA, with minimum parking for 30 vehicles, within the following boundaries: within a 2 mile radius of the intersection of I-79 and Route 62. In areas where street or public parking is not available, an additional 10 parking spaces are required. The Department of Health will occupy the space. Proposals due: March 29, 1999. Solicitation No.: 92778.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1998—99  
**Contact:** John Hocker, (717) 787-4394

## Sanitation—36

**Project No. 647** 2—8 cubic yard containers, semiweekly pick-up (2 times per week), monthly billing.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 2700 Southampton Road, Philadelphia, Philadelphia County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 648** 1—8 cubic yard container, weekly pick-up, monthly billing.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 5350 Ogontz Avenue, Philadelphia, Philadelphia County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 649** 1—8 cubic yard container, weekly pick-up, monthly billing.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 23rd and Ranstead Streets, Philadelphia, Philadelphia County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 650** 2—8 cubic yard containers, weekly pick-up, monthly billing.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 3205 Lancaster Avenue, Philadelphia, Philadelphia County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 651** 1—4 cubic yard container, weekly pick-up, monthly billing.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, Rapps Dam Road, Phoenixville, Chester County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 652** 2—2 cubic yard containers, semiweekly pick-up (2 times per week), monthly billing.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 324 Emerson Street, Pittsburgh, Allegheny County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 653** 1—9 cubic yard container, semiweekly pick-up (2 times per week), monthly billing.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 900 Adams Avenue, Scranton, Lackawanna County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 654** 1—10 cubic yard container, semiweekly pick-up (2 times per week), monthly billing.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 280 Market Street, Wilkes-Barre, Luzerne County, PA  
**Duration:** July 1, 1999—June 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**11099007** Refuse and trash removal from various locations within Allegheny County (Engineering District Office and Maintenance Districts 11-1 and 11-3). Contractors must meet all Commonwealth requirements for trash and refuse removal. Contractors are not required to bid on all containers and sites. Items will be awarded separately.

**Department:** Transportation  
**Location:** Engineering District 11-0, Allegheny County, Maintenance Districts 11-1 and 11-3  
**Duration:** April 1, 1999 through March 31, 2000 with two 18-month renewals  
**Contact:** David O'Connor, (412) 429-4955

## Vehicle, Heavy Equipment—38

**030-0314** 7 ton hydraulic crane, (articulating) mounted to PennDOT truck by vendor.

**Department:** Transportation  
**Location:** At awarded vendor facility  
**Duration:** Indeterminate 1998—99  
**Contact:** Greg Mahosky, (570) 724-4142

**Miscellaneous—39**

**0400-CC** For the rental of calcium chloride dispensing system for use at Stockpile No. 1, corner of Route 0307 and West Grove Street, Clarks Summit, Lackawanna County and Stockpile No. 5, Route 0006, Archbald, Lackawanna County. The contract shall be renewable at the prices quoted for 3 one-year renewals. Contact Gerald Pronko at (570) 963-4039 for bid package.

**Department:** Transportation  
**Location:** Counties of District 4-0: Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties  
**Duration:** November 15, 1999 to November 14, 2000  
**Contact:** Gerald Pronko, (570) 963-4039

**98-17** "Owner Controlled Insurance program." The objective of this project is to administer an owner controlled insurance program (OCIP) also known as wrap-up insurance for the Pennsylvania Department of Transportation. This project will involve various insurance coverage on the Interstate 99 highway construction project located in Centre County. Additional information and a request for proposals (RFP) may be obtained by faxing a request for RFP 98-17 to Tina Chubb at (717) 783-7971.

**Department:** Transportation  
**Location:** Bureau of Office Services, Centre County Area  
**Duration:** Length of construction project (estimated 5 years)  
**Contact:** Tom Schumacher, (717) 783-8906

**98-CI006** Kensol Franklin Systems Model 8500, "Linear Wedge", 15 ton hot stamp press. Press will be used in Print Plant at C. I.

**Department:** Corrections  
**Location:** Correctional Industries, State Correctional Institution Frackville, Frackville, PA  
**Duration:** 1 year  
**Contact:** MaryAnn Ulrich, (717) 731-7134

**98-CI007** Seeds: sweet pea seed; arise, tacomo, stampede.

**Department:** Corrections  
**Location:** Correctional Industries, State Correctional Institution Rockview, Bellefonte, PA  
**Duration:** 1 year  
**Contact:** MaryAnn Ulrich, (717) 731-7134

**ESO-99** Marantz records as per specifications.

**Department:** State Police  
**Location:** 171 East Hersheypark Drive, Hershey, PA 17033  
**Duration:** June 30, 1999  
**Contact:** Robert D. Stare, (717) 783-5485

**SP-388113001** Provide materials and installation of woven wire deer fencing as follows: Fence Area No. 1—Approximately 5,300 lineal feet perimeter and 3,300 lineal feet perimeter of this proposed sale area in Gibson Township, Cameron County. Fence Area No. 2—Approximately 4,000 lineal feet perimeter of the McNuff, Timber Sale No. 13-97BC16, in Portage Township, Cameron County and Portage Township, Potter County. Fence Area No. 3—Approximately 3,300 lineal feet perimeter of the Logue Run, Timber Sale No. 13-97BC14, in Grove Township, Cameron County.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Forestry, Forest District 13, Johnson Run, Gibson Township, Cameron County; McNuff—Portage Township, Cameron County, Portage Township, Potter County; Logue Run—Grove Township, Cameron County, PA  
**Duration:** October 29, 1999  
**Contact:** Robert G. Merrill, Jr., Forest Asst. Mgr., (814) 486-3353

[Pa.B. Doc. No. 99-258. Filed for public inspection February 12, 1999, 9:00 a.m.]

## DESCRIPTION OF LEGEND

- |  |   |
|--|---|
| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract No.</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
2310-02	02/08/99	Apple Chevrolet	675,442.00
2310-02	02/08/99	Rothrock Chevrolet	287,730.00
2310-02	02/08/99	Hoffman Ford Sales, Inc.	401,787.00
2310-02	02/08/99	Manheim Chrysler Plymouth GMC Truck	763,845.00
2310-02	02/08/99	Elizabethtown Dodge	397,501.00
2310-02	02/08/99	Phillips Ford Sales	128,560.00
2310-02	02/08/99	Elizabethtown Chevrolet	184,266.00
2310-02	02/08/99	Warnock Chevrolet	33,541.00
2310-02	02/08/99	Warnock Dodge	64,353.00
2310-02	02/08/99	Warnock Ford, Inc.	19,533.00
2310-02	02/08/99	Meissner Chevrolet, Inc.	211,916.00
2310-02	02/08/99	Hertrich Ford	76,903.00
2310-02	02/08/99	Regester Chevrolet, Inc.	48,325.00
2310-02	02/08/99	Motors Fleet	29,571.00
2310-02	02/08/99	Cumberland Truck Equipment Co., Inc.	427,880.00
2310-02	02/08/99	Wolffington Body Co.	101,242.00
3610-01 RIP No. 1	02/05/99	Danka Office Imaging Co.	500,000.00
3610-01 RIP No. 1	02/05/99	Minolta Corp.	500,000.00
3610-01 RIP No. 1	02/05/99	Pitney Bowes Office Systems	500,000.00
3610-01 RIP No. 1	02/05/99	Xerox Corp.	500,000.00

<b>Requisition or Contract No.</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
5680-02 RIP No. 2	02/05/99	Andrews Metal Products, Inc.	2,957.00
5680-02 RIP No. 2	02/05/99	E. A. Quirin Machine Shop, Inc.	7,255.00
7110-07 SUP No. 1	02/08/99	Nortix Group, Inc.	10,000.00
7110-07 SUP No. 1	02/08/99	Allegheny Metals Corp.	10,000.00
7490-03 SUP No. 1 and Re-bid No. 1	02/05/99	Eugene Davids Company, Inc.	5,000.00
8010-06	02/05/99	Cataphote	427,800.00
8010-06	02/05/99	ACA Reflectorized Glass Products	1,628,800.00
8010-06	02/05/99	Todd Heller, Inc.	328,000.00
8010-07	02/05/99	Finnaren & Haley, Inc.	75,000.00
8010-07	02/05/99	Duron, Inc.	75,000.00
8010-07	02/05/99	Sherwin-Williams & Con-Lux	150,000.00
9140-04 RIP No. 1	02/08/99	Carlos R. Lefler, Inc.	64,508.94
1268228-01	02/01/99	Whitesides of Cambridge, Inc.	41,898.00
1268228-02	02/01/99	Hoffman Ford Sales, Inc.	27,422.00
1283358-01	02/01/99	Custom Trailer, Inc.	12,626.00
1294208-01	02/01/99	Research Electronics International	22,975.00
1317218-01	02/01/99	Glass Mender Mirror Plate	15,800.00
1364118-01	02/01/99	The Trane Co./ Div. of American Standard	14,604.00
1376228-01	02/01/99	Whitesides of Cambridge, Inc.	20,600.00
1392118-01	02/01/99	Crain Lumber Co., Inc.	12,140.42
1413238-01	02/01/99	Fechheimer	65,642.50

<b>Requisition or Contract No.</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
1424118-01	02/01/99	A. G. Mauro Co.	17,945.00
1425118-01	02/01/99	Oles Envelope Corp.	256,384.00
8145640-01	02/01/99	J. M. G. En- terprises, Inc.	84,750.00

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 99-259. Filed for public inspection February 12, 1999, 9:00 a.m.]

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# PROPOSED RULEMAKING

## DEPARTMENT OF HEALTH

[28 PA. CODE CHS. 1001, 1003, 1005, 1007, 1009,  
1011, 1013 AND 1015]

### Emergency Medical Services

The Department of Health (Department) gives notice that it is proposing to amend 28 Pa. Code Part VII (relating to emergency medical services), to read as set forth in Annex A.

#### *Purpose and Background*

Interim regulations were published at 25 Pa.B. 3685 (September 2, 1995), to facilitate implementation of the act of October 5, 1994 (P.L. 557, No. 82) (Act 82) amendments to the Emergency Medical Services Act (act) (35 P.S. §§ 6921—6938). Section 6 of Act 82 authorized the Department to bypass certain rulemaking procedures to adopt the interim regulations, with the caveat that those regulations later be resubmitted through the customary rulemaking procedures.

Amendments to regulations dealing with subject matter addressed by the act, but not addressed by the Act 82 amendments, were not adopted through the interim rulemaking process. The interim regulations were required to be limited in scope to the parameters of Act 82.

Following the Department's adoption of the interim regulations, under House Resolution 92 of 1995, the House Health and Human Services Committee issued a Final Report on the Statewide emergency medical services (EMS) system, addressing the effectiveness of the system and problems in its administration. That report was distributed in November 1996. Thereafter, the Department commenced a review of its EMS regulations in their entirety.

In developing the proposed amendments, the Department pursued early and meaningful input from the regulated community, as required by Executive Order 1996-1 (relating to regulatory review and promulgation). On December 20, 1996, a first draft of proposed amendments was forwarded to the Pennsylvania Emergency Health Service Council (Council) for its comments and recommendations. The Council circulated that draft throughout the State's EMS community, and solicited input from its membership. The Council submitted its comments to the Department in June 1997.

On June 28, 1997, the Department published in the *Pennsylvania Bulletin* notice that it was seeking early public input with respect to its amendment of the EMS regulations, that members of the public could secure a copy of the Department's preliminary draft, and that a public meeting to discuss amendments would be held on August 4, 1997. Comments were received and the public meeting was convened as scheduled.

Under House Resolution 186 of 1997, the Legislative Budget and Finance Committee (LBFC) conducted a performance audit, beginning on or about July 29, 1997, of how moneys from the Emergency Medical Services Operating Fund were being allocated and spent by the Department and other participants in the Statewide EMS system to whom the funds were distributed by the Department. The LBFC issued its report on February 24, 1998.

On April 1, 1998, the Department distributed, and conducted a public meeting to provide an overview of, a revised set of draft proposed regulations. Comments were solicited through May 1, 1998.

In developing these proposed amendments the Department thoroughly considered the Final Report of the House Health and Human Services Committee based upon House Resolution 92, the Final Report of the LBFC based upon House Resolution 186, the written comments received from the Council and the public, and the oral presentations made by persons who participated in the public meetings. The Department was further assisted by extensive ongoing consultation with the Director of the Council following the August 4, 1997, public meeting.

By this proposed rulemaking the Department is meeting its statutory duty to subject the regulations it adopted through the interim rulemaking process to the standard regulatory oversight procedures. The Department is also taking this opportunity to propose amendments to those regulations, as well as to other regulations it was not authorized to amend through the interim rulemaking process.

It has been 9 years since the Department published its initial regulations under the act. A changed EMS environment in that 9-year time span, statutory amendments, problems brought to the Department's attention in administering the existing regulations, judicial decisions that have clarified the Department's authority and responsibilities under the act, and a statutory duty to process through the customary rulemaking procedures standards the Department has imposed through interim regulations, present compelling reasons for the Department to pursue comprehensive revisions to its EMS regulations at this time.

#### *Summary*

The regulations that have been adopted to facilitate administration of the act are presented in the following seven chapters: Chapter 1001 (relating to administration of the EMS system), Chapter 1003 (relating to personnel), Chapter 1005 (relating to licensing of BLS and ALS ambulance services), Chapter 1007 (relating to licensing of air ambulance services—rotorcraft), Chapter 1009 (relating to EMS medical command medical facilities), Chapter 1011 (relating to accreditation of training institutes) and Chapter 1013 (relating to special event EMS). The proposed amendments would retain each of these chapters. Some of the titles would be revised. The proposal would also add Chapter 1015 (relating to quick response services).

#### *Chapter 1001. Administration of the EMS system*

This chapter explains the purpose of the Department's EMS regulations, defines terms used in the regulations, identifies standards for the Statewide and regional EMS development plans, prescribes criteria for the Department's distribution of funds, establishes EMS data collection and reporting responsibilities, sets standards for quality assurance programs to monitor the delivery of EMS, creates standards for the integration of trauma facilities into the Statewide EMS system, explains and imposes duties on the regional EMS councils, addresses the relationship between the Department and the Council, and imposes restrictions on EMS research by persons regulated under the act.

### *Subchapter A. General Provisions*

Section 1001.1 (relating to purpose) would be amended to clarify that the Department does not use regulations to address or carry out all of its responsibilities under the act. For example, some of its responsibilities are addressed by contract.

Section 1001.2 (relating to definitions) would be amended to revise several definitions to read more clearly. Definitions would be added for "APLS—advanced pediatric life support course," "ambulance call report," "ambulance identification number," "board certification," "continuing education," "direct support services," "EMSOF—Emergency Medical Services Operating Fund," "EMS training institute," "Medical Command Base Station Course," "medical treatment protocols," "PALS—pediatric advanced life support course," "physician," "PSAP—public safety answering point," "registered nurse," "service area" and "Statewide BLS treatment protocols."

The definitions would explain what an APLS course, a PALS course and the Medical Command Base Station Course are. It is proposed that successful completion of an APLS or a PALS course, combined with other criteria, be required for a physician to become a medical command physician or an advanced life support (ALS) service medical director if the physician is not board certified in emergency medicine. Completion of the Medical Command Base Station Course has been and would continue to be a requirement for both physician positions.

"Ambulance call report" would be the label the Department assigns to the form or other reporting mechanism, perhaps through electronic data entry, by which it collects standardized patient data and other information from ambulance services under section 5(b)(3) of the act (35 P. S. § 6925(b)(3)).

"Ambulance identification number" would replace the present term "vehicle identification licensure number." The change would be made because the Department does not technically license ambulances, and to distinguish the term from the term "vehicle identification number" used by the Department of Transportation to identify vehicles.

"Board certification" would identify private certifying bodies recognized by the Department wherever the regulations specify that a criterion for qualifying for a certain position, such as a medical command physician, requires a board certification in a medical specialty. Reference to these certifying bodies would not, however, preclude the Department from considering persons with certifications issued by other private certifying bodies. The criteria for issuing certifications used by the specified entities would comprise the baseline standards. The Department would grant an exception to the regulation, under § 1001.4 (relating to exceptions), if a candidate could establish that the certification that person received from another certifying agency was issued under standards equal to or greater than those employed by the private certifying bodies referenced in the definition.

A definition of "continuing education" would be added to identify the objectives that learning activities would need to be designed to be recognized by the Department for continuing education purposes.

"Direct support of EMS systems" would be defined because section 17 of the act (35 P. S. § 6937), which requires that at least 75% of all funds available to the Department for the initiation, expansion, maintenance, evaluation and improvement of EMS systems be allocated for the direct support of EMS systems, does not define

what is encompassed in the direct support of EMS systems. The lack of a definition was identified as a problem in the LBFC report.

"EMSOF" would be defined to clarify that in the context of the regulations the term refers to only that portion of the Emergency Medical Services Operating Fund appropriated to the Department for EMS purposes, and does not include that portion of the appropriation assigned to the Catastrophic Medical and Rehabilitation Fund (Head Injury Program).

"EMS training institute" would be defined to clarify that when that term is used in the regulations it applies only to institutes accredited to offer training leading to mandatory certifications and recognitions issued by the Department under the act. For example, the term does not apply to an institution that offers continuing education exclusively.

Sections 5(c) and 11(h) and (i) of the act (35 P. S. §§ 6925(c) and 6931(h) and (i)) address the establishment of and compliance with medical treatment protocols. The definition of "medical treatment protocols" would clarify what is encompassed by this term and replace the definition of "medical protocols." The definition of "Statewide BLS medical treatment protocols" would refer to basic life support (BLS) treatment protocols the Department has developed for the Statewide use of prehospital personnel when they are providing BLS services.

The terms "physician" and "registered nurse" would both be defined to mean a person licensed in this Commonwealth to practice the applicable profession, with a current renewal or registration of that license. Consequently, wherever those terms would appear in the regulations additional language pertaining to the license being a current Pennsylvania license would not be required.

"PSAP—Public safety answering point" would be used to label entities that dispatch ambulance services and other emergency response resources.

A proposed definition of "service area" is included to clarify to which political subdivisions an ambulance service must provide notice when it is going out of business. An ambulance service has a duty under section 12(q) of the act (35 P. S. § 6932(q)) to notify the chief executive officer of each political subdivision in its service area at least 90 days prior to discontinuing service in that area.

The definitions of "air ambulance medical crew member," "ambulance trip report number," "BLS training institute," "closest available ambulance," "EMS council," "field internship," "field preceptor," "incident location," "licensing agency," "medical protocols," "medical service area," "on-line communication," "Pennsylvania Field Protocols for BLS," "prescribing physician," "primary response area," "quick responder," "transfer agreements" and "vehicle licensure identification number" would be removed. These terms would either no longer appear in the regulations, be replaced by other terms, or not require definition as their meanings would be either clear or otherwise explained in the regulations.

Section 1001.3 (relating to applicability) identifies, in general terms, who is affected by Part VII (relating to emergency medical services) of the Department's regulations. No substantive amendments are proposed.

Section 1001.4 (relating to exceptions) provides a process for persons to seek an exception to a regulatory requirement that is not also directly imposed by the act. It would be amended to clarify that an exception to a

regulation in this part may be granted by the Department, on its own initiative, when it determines that the substantive requirements of § 1001.4 have been satisfied. Currently, the regulation provides that an exception may be granted only upon application to the Department.

Section 1001.5 (relating to investigations) provides that the Department may investigate accidents involving ambulances and complaints involving prehospital personnel and EMS providers. These references do not adequately convey the scope of the Department's investigatory activity under the act. The section would be revised to more fully describe the scope of the Department's investigatory activities.

Section 1001.7 (relating to comprehensive regional EMS development plan) would be new. It would require each regional EMS council to develop a regional plan for coordinating and improving the delivery of EMS in the region for which it has been assigned responsibility by the Department. It would require that the regional EMS council give notice to the public and an opportunity for comment before submitting the plan to the Department for approval.

Section 1001.6 (relating to comprehensive EMS development plan) would be amended to provide that the regional EMS development plans would be incorporated into the Statewide EMS development plan. The section would also be amended to require public notice and an opportunity for comment before the Department's adoption of a Statewide plan.

The Statewide EMS development plan serves as a blueprint for how EMS problems are to be addressed and how EMS systems are to be maintained in this Commonwealth. Section 10(a) of the act (35 P.S. § 6930(a)) requires the Department to enter into contracts for the initiation, expansion, maintenance and improvement of EMS systems which are in accordance with the Statewide EMS development plan. This document is a planning document which impacts on the Department's distribution of funds for EMS systems. It is not a vehicle by which the Department is permitted to bypass the rulemaking process to regulate providers of EMS. Consequently, the Department would not be regulating providers of EMS through this document.

#### *Subchapter B. Award and Administration of Funding*

The title of this subchapter would be revised to replace the term "Contracts" with "Funding." This change is proposed because the scope of this chapter is not and would not be confined to addressing the distribution of funds through contracts exclusively.

Section 1001.21 (relating to purpose) describes the purpose of the subchapter on funding. It would be amended to recognize that section 10(j) of the act permits the Department to contract with entities to assist the Department to comply with the act.

Section 1001.22 (relating to criteria for funding) identifies criteria for the distribution of EMSOF funds to contractors and other recipients of those funds. It would be amended to acknowledge that not all funding provided by the Department is through contracts—such as the distribution of some of the EMSOF moneys to providers of EMS. These are more in the nature of grants. Some of the funding priorities would also be revised.

Section 1001.23 (relating to allocation of funds) identifies some of the factors that are considered in determining the amount of funds to be distributed to eligible recipients. No substantive amendments are proposed.

Section 1001.24 (relating to application for contract) pertains to applications for contracts to plan, initiate, maintain, expand or improve an EMS system. It would be amended to clarify that the application process set forth in the section applies only to contracts for this purpose.

No substantive amendments are proposed to §§ 1001.25—1001.27 (relating to technical assistance; restrictions on contracting; and subcontracting).

Section 1001.28 (relating to contracts with the Council) would be new. It would be added to clarify that some of the provisions in the subchapter do not apply to Department contracts with the Council. It would also provide that the Department will contract with the Council to provide it with the funds the Council needs to perform the duties imposed upon it by the act, and may contract with the Council for it to assist the Department in complying with the act. Act 82 amended section 14(d) of the act (35 P.S. § 6934(d)) to permit the Department to distribute EMSOF moneys to the Council.

#### *Subchapter C. Collection of Data and Information*

Section 1001.41 (relating to data and information requirements for ambulance services) addresses an ambulance service's responsibility to complete an ambulance call report and to keep the report confidential. This section would be revised to delete the data elements currently specified. The required data elements are identified in the ambulance call report form and would continue to be so identified. The data elements are revised from time to time by the Department, in consultation with the Council. The data elements currently specified in the regulation are outdated.

Some of the data identifies patient condition and treatment, while other data provides information on how well the EMS system is functioning. The ambulance service would be required to provide the data solicited by the form, and the form would specify which data is to be handled in a confidential manner. The present regulation treats all data as confidential. "Ambulance call report" would be defined in § 1001.2 (relating to definitions) in a manner that would permit the report to be completed by the electronic input of data if permitted by the Department.

This section would also be amended to require certain patient information solicited by the ambulance call report to be reported immediately to a receiving facility, prescribe the time in which an ambulance call report is to be completed after termination of services to the patient, and impose a duty upon an ambulance service to establish a policy prescribing who is to complete the report on behalf of the ambulance service. The ambulance call report would designate the data that is to be reported immediately to the receiving facility.

Section 1001.42 (relating to dissemination of information) identifies the circumstances under which an ambulance call report may be released. This section would be revised to provide that persons who prepare or secure data from an ambulance call report by virtue of their participation in the Statewide EMS system are required to prohibit access to only those data elements designated as confidential by the Department in the body of the ambulance call report. There is no need to keep confidential information that does not address the history, assessment or treatment of the patient.

#### *Subchapter D. Quality Improvement Program*

The title of this subchapter would be amended to substitute "Improvement" for "Assurance." The term

"quality improvement" has generally replaced "quality assurance" in the health care industry.

This subchapter would be amended to clarify that the quality improvement program operated by the Department and regional EMS councils is to be limited to monitoring and data collection activities. Section 5(b)(10) of the act empowers the Department to establish a quality improvement program only for the purpose of "monitoring the delivery of [EMS]." The Department is not empowered to impose patient service duties upon providers of EMS or prehospital personnel under this provision. These clarifications would be made in §§ 1001.61 and 1001.62 (relating to components; and regional programs).

Sections 1001.63 and 1001.64 (relating to medical command facilities; and ambulance services), which now require medical command facilities and ambulance services to participate in the quality improvement program, would be deleted and replaced with § 1001.65 (relating to cooperation). This section would require all persons and entities authorized by the Department to participate in the Statewide EMS system to provide the Department and the regional EMS councils with data and reports requested by them to monitor the delivery of EMS as part of quality improvement oversight.

#### *Subchapter E. Trauma Centers*

This subchapter, comprised of §§ 1001.81—1001.84, was adopted by the Department under its duty under section 5(b)(12) of the act to integrate trauma centers into the Statewide EMS system. No substantive amendment would be made to these sections.

#### *Subchapter F. Requirements for Regional EMS Councils and the Council*

Section 1001.101 (relating to governing body) specifies standards for the governing bodies of the Council and regional EMS councils. It would not be amended.

Sections 1001.102 and 1001.103 (relating to council director; and personnel) would be deleted. These sections specify duties of directors of regional EMS councils and the Council, and written policies and procedures that are to be in place for both. Consistent with Executive Order 1996-1, the Department would delete these regulations because they are burdensome and do not serve a compelling interest, and because there are viable nonregulatory alternatives that may be pursued to implement these standards if they become necessary. The Department believes that it is counterproductive to micro-manage the Council and the regional EMS councils. If the Department concludes that specific personnel and work policies are required for the Council or a regional EMS council to complete a project, the Department may include those terms in the body of the contract covering the project.

#### *Subchapter G. Additional Requirements for Regional EMS Councils*

No substantive change would be made to §§ 1001.121, 1001.122 and 1001.124 (relating to designation of regional EMS councils; purpose of regional EMS councils; and composition). Language would be added to § 1001.121 which would require a regional EMS council to be representative of the professions and organizations as prescribed in the statutory definition of "emergency medical services council" in section 3 of the act (35 P.S. § 6923). Health care consumer representation would also be required.

Section 1001.123 (relating to responsibilities) identifies the major responsibilities of regional EMS councils. The

Department concluded that some of the responsibilities are set forth more than once, in slightly different language. The section would be amended to eliminate the repetition. It would also be amended to require regional EMS councils to: notify emergency communications centers and municipal and county governments of available EMS resources and any dispatch recommendations that it or the Department may develop; assist prehospital personnel and providers of EMS operating in the regional EMS system to meet licensure, certification, recertification, recognition, biennial registration and continuing education requirements, as well as assisting the Department in ensuring that those requirements are met; apprise medical command facilities and ALS ambulance services in the region when an EMT-paramedic or prehospital registered nurse loses medical command authorization for an ambulance service in the region; and develop a conflict of interest policy applicable to its employees and officials.

Section 1001.125 (relating to requirements) deals with matters such as the composition of the regional EMS council when it is a nongovernmental body, and the composition of its advisory council when it is a governmental body. This section would be amended to require that if a regional EMS council is a unit of local government it shall have an advisory council representative of the professions and organizations designated in the act's definition of "emergency medical services council," as well as health consumer representation, and that if the regional EMS council is a public or nonprofit organization, its governing body shall satisfy the same representation requirements. The current regulatory designation of representatives is somewhat confining and not fully consistent with the statutory language prescribing composition. The Department would replace that language with the composition language contained in the act and consider whether the statutory representation requirements are met on a case by case basis.

This section also requires a regional EMS council to have a medical advisory committee. As "medical advisory committee" is defined in § 1001.2, a majority of its members must be physicians.

#### *Subchapter H. Additional Requirements for the Council*

No substantive revisions would be made to this subchapter, comprised of §§ 1001.141—1001.143.

#### *Subchapter I. Research in Prehospital Care*

Section 5(b)(3) and (4) of the act contemplates that the Department will permit data collected through the Statewide EMS system to be used for research to identify possible options for improving the system. The Department's planning responsibilities imply that the Department may authorize research to aid it in making planning decisions. This subchapter addresses the procedures for providers of EMS to engage in clinical investigations or studies that relate to direct patient care in the Statewide EMS system.

Section 1001.161 (relating to research) would be amended to revise the research proposal review process to provide for the proposal to be submitted directly to the Department. The regulation would provide for the Department to then forward the proposal to the Council and the appropriate regional EMS council, for review and recommendation back to the Department, if the Department concludes that the proposal may have merit. Upon receiving those recommendations the regulation would prescribe a 30-day time period for the Department to act. The Department intends the time period for action to be

directory; that is, its failure to act within that time period would not result in automatic approval of the proposal. Under current procedures, the Department does not see the proposal until after it is reviewed by the Council and a regional EMS council. The regulation would also require the proposal to include a plan for providing the Department with progress reports and a final report, and provide that the Department may terminate the research prematurely if conditions of approval are not satisfied.

#### *Chapter 1003. Personnel*

This chapter addresses qualifications and responsibilities of persons involved in the Statewide EMS system. It also addresses the disciplinary process for prehospital personnel certified or recognized by the Department, the medical command authorization process, continuing education requirements applicable to certain types of prehospital personnel and continuing education options applicable to others, and the accreditation standards for sponsors of continuing education.

##### *Subchapter A. Administrative and Supervisory EMS Personnel*

Section 1003.1 (relating to Commonwealth Emergency Medical Director) specifies the duties of the Commonwealth Emergency Medical Director. It would not be revised in a substantive manner.

Section 1003.2 (relating to regional EMS medical director) specifies the duties of regional EMS medical directors. It would be revised to clarify that the regional EMS medical director does not function independent of the regional EMS council except when acting upon appeals from adverse medical command authorization decisions. As the regulation currently reads, it purports to impose upon regional EMS medical directors responsibilities the act imposes upon regional EMS councils. This section would also be amended to exclude a paragraph regarding medical advisory committees. The existing paragraph merely repeats provisions in § 1001.125 (c) and (d) (relating to requirements).

Section 1003.3 (relating to medical command facility medical director) specifies the qualifications and responsibilities of a medical command facility medical director. It would be amended to require that a physician complete either an APLS (advanced pediatric life support) or a PALS (pediatric advanced life support) course, among other criteria, to qualify as a medical command facility medical director if the physician is not board certified in emergency medicine. Completion of an ACLS (advanced cardiac life support) course would be required every 2 years to continue to qualify. Completion of an ATLS (advanced trauma life support) course would be required only once. A similar change would be made to § 1003.4 (relating to medical command physician). The regulation would also be amended to provide that the physician could satisfy some course requirements specifically mentioned in the regulation by completing other programs determined by the Department to meet or exceed the standards of the specified programs.

Section 1003.4 (relating to medical command physician) specifies the qualifications and responsibilities of a medical command physician. It would be amended to include the same options as mentioned in the prior paragraph. Another amendment would be to require a medical command physician to provide medical command whenever it is sought from prehospital personnel. The Department has received complaints from ambulance services that transport initially stable patients over long distances, that when emergencies arise during transport,

and communication with a customary medical command physician cannot be established, medical command physicians unfamiliar with the ambulance service and its prehospital personnel will sometimes decline to provide necessary medical command. The amendment would remedy this problem.

To ease the difficulty of working with prehospital personnel with whom a medical command physician is unfamiliar, the regulation would be amended to provide the medical command physician with discretion regarding the treatment protocols to follow. The section would state that in providing medical command to ground ambulances, the medical command physician may follow the transfer and medical treatment protocols that apply either in the EMS region in which treatment originates, or in the EMS region in which the prehospital personnel first receive medical command from the medical command physician.

Procedures for physicians to secure approval as medical command physicians, which are not now addressed in the regulations, would be explained in this section. There has been a widespread perception that it is the Department's responsibility to approve medical command physicians. This is not technically correct. A provision of the act may not authorize the Department to approve medical command physicians. Section 11(f) of the act (35 P.S. § 6931(f)) provides that physicians shall be approved as medical command physicians by regional EMS councils, which shall then notify the Department of the approvals. The Department is, however, responsible for prescribing the criteria physicians must satisfy to qualify as medical command physicians. See definition of "medical command" in section 3 of the act. Regional EMS councils are obligated to approve a physician as a medical command physician if the physician meets the prescribed criteria.

The regulation would explain that a physician may seek a determination of medical command physician qualifications directly by a regional EMS council, or may participate in a voluntary medical command physician certification program administered by the Department. If the physician chooses the latter option and receives certification, and demonstrates that he or she will function under the auspices of a medical command facility, the regulation would provide that a regional EMS council to which the physician applies for medical command physician approval shall grant the approval.

Functioning under the auspices of a medical command facility is and would continue to be a requirement for approval of a medical command physician by a regional EMS council. The Department prescribes the equipment and personnel requirements for a medical command facility. See definition of "medical command facility" in section 3 of the act. While no provision of the act compels a facility to seek Department approval before operating as a medical command facility, section 11(j)(4) of the act affords civil immunity for good faith medical commands given to prehospital personnel only if the medical command facility has been "recognized" by the Department.

The Department administers a program for the recognition of medical command facilities. If a physician applies to a regional EMS council for approval as a medical command physician, and the medical command facility for which the physician intends to function has not received a certificate of recognition from the Department, the physician would need to establish to the regional EMS council that the facility meets the criteria for a medical command facility prescribed by the Department. However, if the facility has a current certificate of recognition from

the Department, the regulation would provide that the regional EMS council shall accept the certificate instead of requiring the physician to prove that the facility meets Department-prescribed standards.

Because medical command physicians may provide medical command to ambulance services operating out of more than one region, and may be providing medical command for patients who cross regional borders, the regulation would also require a medical command facility to give notice to the regional EMS council in each region in which it expects medical command physicians functioning under its auspices will be providing medical command, and to explain the circumstances under which medical command would be given in that region.

No substantive change would be made to § 1003.5 (relating to ALS service medical director).

#### *Subchapter B. Prehospital and Other Personnel*

Section 1003.21 (relating to ambulance attendant) would be amended to explain the ambulance attendant's role when staffing an ambulance service and to identify the services an ambulance attendant may perform when serving on an ambulance crew. It would also clarify that notwithstanding the structured role that an ambulance attendant performs when serving as a member of an ambulance's crew, an ambulance attendant may provide BLS services separate from an ambulance service in an emergency, with nonmedical good Samaritan civil liability protection.

The 16 years of age criterion now in the regulation would be removed since the act sets no age requirement for an ambulance attendant. The age requirement for an ambulance attendant is regulated by the child labor laws in this Commonwealth, not the act. The child labor laws prohibit a minor under 16 years of age from serving as an ambulance attendant. *See* sections 2 and 7.3(g) of the Child Labor Law (35 P. S. §§ 42 and 48.3(g)).

The Department of Labor and Industry advises that the following requirements apply to persons under 18 years of age who work for a volunteer ambulance service as an ambulance attendant and who have not graduated from high school or been declared by the chief school administrator to have achieved their academic potential. They are permitted to receive on-the-job training as ambulance attendants only if they have secured employment certificates and are at all times under the constant supervision of an adult ambulance company member. They may not serve as ambulance attendants for more than 8 hours in 1 day, and must be given a half-hour off duty lunch break if they are on duty for more than 5 continuous hours. They may not serve on duty later than 12 a.m. on school nights, nor later than 1 a.m. on Friday or Saturday nights during the school term; however, if they respond to a call prior to the deadline, they may continue to serve during the duration of the response to that call. These requirements may change if the Child Labor Law or regulations adopted under that law are amended.

This section would also be amended to clarify that the services that an ambulance attendant may provide are governed by the first aid skills taught in an advanced first aid course sponsored by the American Red Cross. As new first aid skills are added to the curriculum, an ambulance attendant's scope of practice would expand if the ambulance attendant has received the necessary training. The Department proposes to publish, at least annually, a list of the advanced first aid skills taught in the most recent advanced first aid course sponsored by the American Red Cross.

Provisions would also be added to or incorporated by reference in each section relating to prehospital personnel who perform BLS services exclusively (this section and §§ 1003.22 and 1003.23 (relating to first responder; and EMT)), to permit personnel to perform specified skills only if authorized to do so by the medical director of the ambulance service. For example, this section would permit an ambulance attendant to use an automated external defibrillator when authorized by the ambulance service medical director. While the act requires an ALS ambulance service to have a medical director, it does not require a BLS ambulance service to have a medical director. Nevertheless, personnel on a BLS ambulance service would not be permitted to perform those few skills which the regulations would condition upon medical director approval unless the BLS ambulance service secures the services of a medical director.

Section 1003.22 (relating to first responder) specifies the qualifications and functions of a first responder. It would include scope of practice and good Samaritan amendments similar, but not identical, to those proposed for § 1003.21 (relating to ambulance attendant). The first responder's scope of practice is governed by the BLS training a first responder has received in a course the Department has approved for first responder training. At present, that scope of practice is the scope of services embraced by the Emergency Responder course taught by the American Red Cross—which is also the American Red Cross's basic course in advanced first aid—the course establishing the scope of practice for an ambulance attendant. However, a first responder's scope of practice may exceed that of an ambulance attendant if the Department develops or approves courses for first responder training which teach skills in addition to those taught in an advanced first aid course sponsored by the American Red Cross. The Department proposes to publish, at least annually, a list of first responder skills taught in the most recent courses approved by the Department for first responder training.

Unlike an ambulance attendant, who requires no certification from the Department, to function as a first responder an individual must be certified by the Department and then meet recertification requirements every 3 years. This section would be amended to facilitate entry into the Statewide EMS system of individuals who function or have functioned as first responders in other states, by providing that the Department will accept in lieu of successful completion of the education and tests preapproved by the Department, successful completion of education and tests that led to first responder or an equivalent status in another jurisdiction, provided the Department concludes that those education and testing requirements are equal to or greater than those required for certification in this state. Using this criteria, the Department has accepted and would continue to accept, among other examinations, the written and practical skills examinations administered for the emergency responder certification issued by the American Red Cross.

Section 1003.23 (relating to EMT) specifies the qualifications and role of an EMT. It would be amended similar to the manner in which § 1003.21 (relating to first responder) would be amended. Provisions relating to EMT instructor certification would be removed. That subject matter would be addressed in new §§ 1003.23a and 1011.1 (relating to EMS instructor certification; and BLS and ALS training institutes).

Section 1003.23a (relating to EMS instructor certification) would be new. Current provisions for EMT instruc-

tor certification would be removed from § 1003.22 (relating to EMT) and, with some amendments, would be inserted in this section. There is no statutory mandate for EMS instructor certification. However, the Department offers this certification program to potential instructors to improve the quality of training in EMS training institutes.

Section 1003.24 (relating to EMT-paramedic) specifies the qualifications and role of an EMT-paramedic. It would be amended to acknowledge that an EMT-paramedic may provide EMS as a Good Samaritan in addition to providing EMS for an ambulance service.

Transition provisions for persons to convert certain certifications to EMT-paramedic certification, which were needed when the regulations were adopted in 1989, would be deleted as they no longer have any relevance.

As the sections relating to first responders and EMTs would be amended to facilitate entry into the Statewide EMS system of individuals who function or have functioned in those capacities in another state, this section would be similarly amended, by providing that the Department will accept in lieu of successful completion of the education and tests preapproved by the Department, successful completion of education and tests that led to EMT-paramedic status in another jurisdiction, provided the Department concludes that those education and testing requirements are equal to or greater than those required for certification in this Commonwealth.

Scope of practice provisions would be revised to accommodate changes in accepted ALS practice by EMT-paramedics without constantly revisiting and amending the regulation to permit the performance of additional skills. To be able to perform those additional services the EMT-paramedic would be required to receive appropriate training either in a course approved by the Department towards securing certification as an EMT-paramedic, in a course determined by the Department to meet or exceed an EMT-paramedic training course preapproved by the Department, or in a Department-approved continuing education course. The Department proposes to publish, at least annually in the *Pennsylvania Bulletin*, a list of EMT-paramedic skills taught in the most recent courses approved by the Department for EMT-paramedic training.

Section 11(d)(2)(vi) of the act provides that if an EMT-paramedic loses medical command authorization, and chooses to function at the BLS level, the EMT-paramedic must secure EMT certification in accordance with Department regulations. The practical effect of this provision is that it requires that EMT-paramedic to secure continuing education or pass practical skill and written examinations every 3 years, to replace the annual continuing education and skill proficiency requirements that the EMT-paramedic would have been required to satisfy if medical command authorization had been maintained. The Department would amend the regulation to permit the EMT-paramedic to provide BLS services for 30 days without EMT certification, for the ALS ambulance service under the paramedic's medical command authorization was removed or relinquished, provided that ambulance service's ALS service medical director so authorizes.

Section 1003.25a (relating to health professional physician) would be revised, as some of the preceding sections, to acknowledge that a health professional physician may perform EMS as a medical good Samaritan. It would also be amended to eliminate conditions the section currently specifies for a physician to function as a health professional physician. The act's definition of "health profes-

sional" states that a physician qualifies to function in that capacity if the physician has "education and continuing education in [ALS] and prehospital care." 35 P. S. § 6923. It does not provide for the Department to certify health professional physicians or to set standards physicians would be required to meet to serve as health professional physicians. Therefore, it is incumbent upon a physician and the ambulance service that uses the physician as a health professional to ensure that the physician is properly educated and experienced to serve in that capacity. If they need assistance in making this assessment they may seek guidance from the Department, regional EMS councils, and professional organizations with relevant expertise, such as the Pennsylvania Chapter of the American College of Emergency Physicians.

Section 1003.25b (relating to prehospital registered nurse) specifies the qualifications and role of a prehospital registered nurse. It would be revised to acknowledge that a prehospital registered nurse may perform EMS as a medical good Samaritan, in addition to functioning as a prehospital registered nurse. It would also include endorsement provisions permitting persons who are licensed as registered nurses in this Commonwealth, who have functioned in the capacity of a prehospital registered nurse in another jurisdiction, to obtain recognition as a prehospital registered nurse from the Department through an abbreviated process. It would further be revised to clarify the scope of practice of a prehospital registered nurse by providing that the person could perform those ALS services authorized by The Professional Nursing Law (63 P. S. §§ 211—225), which exceed the scope of practice of an EMT-paramedic, when authorized by a medical command physician through either direct medical command orders or standing treatment protocols.

Section 1003.26 (relating to rescue personnel) pertains to the Department's certification of rescue personnel. It would be amended to clarify that the Department approves courses for rescue personnel and issues certifications to persons who complete those courses. Receipt of a certification is not, however, required by law as a precondition to freeing an entrapped person. The Department is granted no regulatory oversight over rescue activities under the act. The Department approves rescue programs and issues rescue technician certificates as a public service, in an effort to ensure that there are a sufficient number of personnel throughout this Commonwealth who have appropriate training and skills to perform rescues. The certification would merely reflect the Department's opinion that the person is qualified to perform the rescues taught in the approved course. The section would be revised to clarify that receiving a rescue certification issued by the Department is not a legal precondition to performing rescues.

No substantive change is being proposed to § 1003.27 (relating to disciplinary and corrective action).

Section 1003.28 (relating to medical command authorization) specifies the criteria for an ALS service medical director to grant medical command authorization, and the procedures for EMT-paramedics and prehospital registered nurses to appeal ALS service medical director decisions to deny, restrict or remove medical command authorization. It would be amended in several respects. The options available to the ALS service medical director to assess the competence of the ALS practitioner seeking medical command authorization would be expanded.

Also, there would be limitations on how an ALS service medical director could restrict medical command authori-

zation. The Department believes that patient welfare would be compromised if a patient was treated by an ALS practitioner who was not permitted to perform an ALS skill required by the patient and generally permitted under medical command authorization. Consequently, the regulation would be revised to provide that if the ALS practitioner demonstrated certain deficiencies, the ALS service medical director could continue to extend medical command authorization to the individual with restrictions such as requiring the individual to perform certain functions under on-scene supervision. However, short of withdrawing the practitioner's medical command authorization, an ALS service medical director could not preclude the individual from performing functions within that practitioner's scope of practice as permitted by the medical treatment protocols in the region out of which the individual practices. Another type of restriction that would be authorized would be to prescribe continuing education requirements greater than that required for other ALS personnel serving the ambulance service. This would require that the ALS service medical director has determined that the individual does not demonstrate sufficient competence in performing a skill and that the number of continuing education hours generally required are not sufficient to provide the education the practitioner needs to remedy the problem.

Other amendments would include a provision stating that in hearings in which medical command authorization decisions are appealed the burden of proof is a preponderance of the evidence, and provisions addressing when service of documents is consummated and how time periods for filing hearing documents are to be calculated in the appeal process.

Section 1003.29 (relating to continuing education requirements) specifies the continuing education requirements and options for prehospital personnel. It would also include several amendments. The total number of continuing education credit hours applicable to each category of certified or recognized prehospital practitioner would not change. However, for each type of practitioner a specified number of continuing education hours in medical and trauma education would be designated. Transition periods would be provided before the medical and trauma continuing education requirements would take effect. Also, the Department's existing practice of prorating annual continuing education requirements during the first calendar year an EMT-paramedic is certified or a prehospital registered nurse is recognized, based upon the month the certification or recognition is secured, would be set forth in the regulation.

The options for satisfying continuing education CPR requirements would be expanded. CPR requirements could be met by not only attending a CPR course, but, alternatively, by teaching a CPR course. To secure credit for teaching, the individual would not need to be the primary instructor.

Language would also be added to clarify that an ambulance service is not precluded from imposing continuing education requirements in excess of those required by the regulation, as a condition of employment, except that the ambulance service could not establish individual requirements for ALS practitioners other than as authorized in § 1003.28(c)(2) (relating to medical command authorization).

Current provisions relating to continuing education through endorsement would be relocated in proposed new § 1003.31 (relating to credit for continuing education).

Section 1003.30 (relating to accreditation of sponsors of continuing education) would be amended to permit a continuing education sponsor to secure prior approval of continuing education courses, and permit the continuing education sponsor to assign credit hours to a continuing education course it presents in a classroom setting, if the Department gives it approval to do so after determining that it has demonstrated a history of understanding and compliance with the regulatory standards for providing continuing education to prehospital personnel.

Section 1003.31 (relating to credit for continuing education) would be new. It would define what constitutes a credit hour, and time units of instruction for which credit would be awarded. It would also make provision for continuing education credit to be awarded for teaching, self study courses and other courses not presented in a classroom setting, and for courses offered by organizations with National or state accreditation to provide education. Additional matters that would be addressed are how continuing education credits would be reported to prehospital personnel, and the procedure for resolving disputes when a prehospital practitioner believes that he or she has not received credit that has been earned.

Section 1003.32 (relating to continuing education sponsors) would also be new. This section would specify responsibilities of a continuing education sponsor with respect to keeping records of attendance, reporting attendance, having a mechanism for course evaluation, retaining records, monitoring compliance and making available various reports and records to the Department.

Section 1003.33 (relating to advertising) would be another new section. It would address how a continuing education sponsor may advertise a course approved by the Department, as well as a course for which Department approval is being sought, but has not yet been obtained.

Section 1003.34 (relating to withdrawal of accreditation or course approval) would also be new. It would provide for the Department to withdraw accreditation, downgrade accreditation to provisional status or withdraw approval of a continuing education course applicable to any future presentation of the course.

The Department would delete Subchapter C (relating to air ambulance personnel), and address much of the subject matter of this subchapter in Chapter 1007 (relating to the licensing of air ambulance services—rotorcraft). The Department believes that some of the provisions in this subchapter, such as those in §§ 1003.43 and 1003.44 (relating to air ambulance pilot; and air ambulance communications specialist), exceed the Department's rule-making authority, since it has been given no authority under the act to regulate either communications specialists or pilots. The more appropriate focus of the Department's regulatory oversight is on the air ambulance service itself.

Also, the provision in § 1003.42 (relating to air ambulance crew members), that requires minimum staff in an air ambulance to consist of two ALS prehospital practitioners, is inconsistent with the staffing requirements of section 12(g) of the act (35 P. S. § 6932(g), which requires an ALS ambulance (no statutory distinction is made between air and ground ALS ambulances) to be staffed by two prehospital personnel but only one ALS practitioner when providing treatment and transport to patients. While the Department continues to encourage air ambulance services to staff air ambulances with a minimum of



two ALS practitioners, it has no statutory authority to mandate that minimum staffing complement through regulations.

The Department does have statutory authority to regulate air ambulance services to ensure that they operate in a safe and efficient manner. Consequently, many of the responsibilities that have been in Subchapter C as responsibilities of individuals such as pilots, medical crew members and communications specialists, would be incorporated in amendments to Chapter 1007 and imposed upon the air ambulance service itself.

*Chapter 1005. Licensing of BLS and ALS Ground Ambulance Services*

This chapter specifies the licensure and operating criteria for ground ambulance services. The term "ground" would be included in the title to clarify that the scope of this chapter relates to ground ambulance services exclusively. Chapter 1007 pertains to air ambulance services.

Section 1005.1 (relating to general provisions) would be amended to state that Chapter 1005 applies to ground ambulance services. Subsection (c) would be revised to identify types of ambulance vehicles an ALS ambulance service may employ rather than modes of ALS ambulance service operations.

Section 1005.2 (relating to applications) would be revised to reflect that there would be a change in some of the information solicited by an application for licensure. The most significant changes are that the application would require that the applicant provide a roster and staffing plan, and identify the physical structures where ambulances will be located or a plan for locating and operating ambulances if not responding out of fixed buildings. Also, the application would require the signature of the principal official of the applicant.

Another change would be that instead of requesting the applicant to identify primary and mutual aid service areas, the application would require the applicant to identify an emergency service it commits to serve when called upon. An ambulance service that generally confines its operations to interfacility transports would not need to commit to providing emergency response to an area, but, if it had an available ambulance and crew, would be required to respond to an emergency if dispatched.

Mutual aid agreements would continue to be encouraged, but they would not be required for licensure. There are three reasons for this. First, some ambulance services engage almost exclusively in interfacility transports. They have little need for mutual aid arrangements. Second, some ambulance services have attempted to keep competitors from locating in their service areas by refusing to enter into mutual aid agreements with them, and have then argued to the Department that those competitors do not meet required standards for licensure because they have no mutual aid agreement. Third, the Department is proposing to revise § 1005.10 (e) (relating to licensure and general operating standards) to require ambulance services to contact PSAPs when unable to respond to an emergency, instead of the ambulance service making its own arrangement for a substitute ambulance service. This should ensure that the most appropriate backup ambulance service is contacted to respond to an emergency, rather than a less appropriate ambulance service that would have been contacted solely to honor a mutual aid agreement.

Subsection (d) would be added to require an ambulance service to file a change of vehicle form within 10 days after placing a new ambulance in operation. If the form

would be timely filed, the ambulance service would have authority to continue to use the ambulance unless its authority to do so would be disapproved following Department inspection.

Subsection (e) would require an ambulance service to apply for an amendment of its license prior to substantively altering its plan for locating and operating ambulances. For example, relocating ambulances within the same service area would not be a substantive alteration and would not require an application for amendment. Moving ambulances to establish a new service area would be a substantive alteration and would require an application for an amendment of the license. The Department would need to ensure that all licensure criteria are satisfied at the new or additional location before operations could commence.

Amendments that would change the application procedure are that regional EMS councils would no longer be required to forward a complete and accurate application to the Department, and then await Department direction before scheduling an onsite inspection of the applicant. Regional EMS councils, without Department direction, would simply schedule the inspection when the application is complete and appears to be accurate. Also, regional EMS councils would not be required to review the application for conformance with regional plans before they conduct a survey. Actually, they do not do that currently even though the regulation states that they are supposed to. Instead, the inspector would review the policies and procedures of the applicant during the survey, and ensure that necessary policies are in place.

Section 1005.3 (relating to right to enter, inspect and obtain records) pertains to an ambulance service's duty to permit employees of the Department or regional EMS councils to conduct inspections, review the applicant's or ambulance service's policies, and secure copies of records from it. It would be revised to clarify that the ambulance service has a duty to permit the review and that its failure to do so constitutes misconduct and a basis for discipline.

Section 1005.4 (relating to notification of deficiencies to applicants) pertains to how the Department and the regional EMS council interact with an applicant if there are deficiencies following an onsite inspection. It would be revised to relate that the inspector will provide the applicant with an inspection report specifying deficiencies immediately upon completing the inspection. It would further revise procedures for the regional EMS council securing a plan of correction and conducting a reinspection. Finally, it would provide for Department involvement to address disputes upon the request of the applicant.

Section 1005.5 (relating to licensure) identifies the indicia of licensure issued to ambulance service and directs ambulance services where to place those items. This section would be amended to specify changes in some of the information included in the license certificate. Clarification would be provided that the ambulance decal is considered part of the license and is to be placed in a conspicuous place on the outside of the ambulance. The requirement that a license be posted in a conspicuous place on the ambulance is set forth in section 12(j) of the act.

Section 1005.6 (relating to out-of-State providers) recognizes the statutory permission for ambulance services not licensed in this Commonwealth to transport patients from outside the borders of this Commonwealth to facilities

situated inside this Commonwealth's borders. The language would be revised, but no material amendment would be made to this section.

Section 1005.7 (relating to services owned and operated by hospitals) parallels provisions in section 12(r) of the act which permits institutions licensed as hospitals by the Department to operate their own ambulance service without securing a separate license from the Department to operate an ambulance service. In all other matters, the ambulance service operations of hospitals are subject to the requirements of the act and this part. No substantive amendment is proposed to this section.

Section 1005.7a (relating to renewal of ambulance service license) would be new. It would explain that the criteria for the renewal of a license is the same as the criteria would be for securing an initial license if an initial license had been sought at the time the renewal was required. A time period for filing a renewal application prior to the expiration of a current license would be specified.

Section 1005.8 (relating to provisional license) pertains to the license the Department is permitted to issue to an ambulance service when it fails to meet multiple minor licensure requirements, or even a significant requirement, if the Department considers the operation of the ambulance service to be in the public interest. Section 12(m) of the act permits the Department to issue a provisional license for 6 months and to renew it for an additional 6 months under regulations established by the Department, except a renewal may be for 12 months if the ambulance service is a volunteer BLS ambulance service, or a volunteer fire department or rescue service that operates a BLS ambulance service. The only significant change proposed by the Department is that to secure a renewal of a provisional license the applicant would need to show that it had made a good faith effort to comply with a course of correction approved by the Department.

Section 1005.9 (relating to temporary license) pertains to the license that the Department is permitted to issue to an ALS ambulance service that cannot provide service 24 hours a day, 7 days a week. Once again, the most significant factor affecting the Department's decision regarding whether to issue a temporary license under these circumstances is whether the issuance of the license would be in the public's interest. No significant amendment is proposed.

Section 1005.10 (relating to licensure and general operating standards) is the section that enumerates most of the standards an ambulance service needs to meet to become licensed and to continue operations. Compliance with many of the current standards, as well as several of the proposed additional standards, cannot be fully judged until the ambulance service has become licensed and commences operations. The Department proposes to amend the title of the section by including a reference to "general operating standards" to emphasize that the enumerated standards continue to apply after ambulance service licensure.

Additional changes proposed are that the ambulance service would need to maintain documentation of its plan for ensuring that minimum staffing requirements are met, a record of calls to which it did not respond and the reasons for not responding, a record of time periods that the ambulance service was not in operation and documentation that appropriate notification was given to relevant PSAPs, and a copy of all policies required by the section.

A BLS ambulance service would be permitted to carry ALS equipment and drugs if it has a medical director who

has education and continuing education in ALS prehospital care, provided that the arrangement would be specifically authorized by the Department upon its determination that the arrangement is in the public interest. This has occurred in one remote rural area and may be necessary in others.

A provision of the regulation dealing with who may accompany a patient in the patient compartment, which was inconsistent with language in the act, would be revised to eliminate that inconsistency.

The manner in which ambulance services may meet minimum staffing requirements would be addressed and clarified.

The Department is not empowered by the act to regulate persons who drive ambulances. However, section 12(h)(1) and (4) of the act state that conditions for licensure include that an ambulance service be staffed by responsible people, and that it operate in a safe and efficient manner. Subsection (d)(3) would identify minimum standards a person must meet for the Department to consider a driver to be a "responsible" person. The ambulance service would be required to ensure that each person it permits to drive its ambulances meets these requirements.

Subsection (e) would address an ambulance service's duty to communicate with PSAPs. *Community Life Support Systems, Inc., et al. v. Department of Health*, 689 A.2d 1014 (Pa. Cmwlth. 1997) and *Mars Emergency Medical Services, Inc. v. Township of Adams and Borough of Callery*, 704 A.2d 1143 (Pa. Cmwlth. 1998), clarify that the Department is not empowered by the act to regulate the dispatching of ambulance services. Nevertheless, as the lead agency for EMS in this Commonwealth, the Department needs to ensure that ambulance services provide information to PSAPs that may influence dispatch decisions. Consequently, the Department is proposing to require an ambulance service to give a PSAP in its area advance notice when it will not be in operation, and to communicate with and provide information to PSAPs as they request to aid them in implementing dispatch protocols.

The responsibility to communicate would continue after an ambulance service receives a call and then determines that it is unable to mobilize its resources to respond to an emergency. These communications from ambulance services will enable the PSAPs to timely contact and dispatch other available EMS providers when the public interest so warrants.

Finally, this portion of the regulation would require ambulance services to respond to calls for emergency assistance as communicated by the PSAPs. Unfortunately, the Department has received reports of ambulance services arguing with each other as to which of them has the right to treat and transport a patient. Financial considerations cannot be permitted to undermine or delay patient care. While there may be some dispute between municipalities, counties and PSAPs as to who has the authority to resolve which ambulance service among two or more similarly licensed ambulance services is best suited to provide care to a patient on a case by case basis, the PSAP is the entity through which ambulance service receives the dispatch communication. The Department believes that an orderly Statewide EMS system is best achieved when ambulance services follow the dispatch directions communicated by PSAPs, regardless of the entity empowered to determine the dispatch protocol.

The Department would also revise the subsection (g) requirements pertaining to the use of lights and other

warning devices by providing that an ambulance service may use these devices only when transporting or responding to a call involving a patient who presents or is in good faith perceived to present a combination of circumstances resulting in a need for immediate medical intervention. Driving an ambulance at rapid speeds, even when alerting pedestrians and drivers of other vehicles through the use of warning devices, creates a dangerous situation. That danger should be avoided unless compelling circumstances dictate otherwise.

The subsection (f) provisions relating to scene control would be replaced by provisions addressing who may manage patient care at the scene of the emergency and in the ambulance.

The Department also proposes to impose upon an ambulance service a duty to report to a regional EMS council an accident, injury or fatality involving an ambulance vehicle or a member of an ambulance crew while performing functions on duty. This information will be examined and evaluated in considering how to better protect ambulance personnel and the public during ambulance service operations.

Additional responsibilities that would be imposed would be for an ALS ambulance service to apprise an appropriate regional EMS council as to who has medical command authorization for that ambulance service, and any change in that status, and for an ambulance service to monitor compliance with all requirements the act and the regulations impose upon the ambulance service and its staff.

Section 1005.11 (relating to drug use, control and security) would be amended to better clarify the circumstances under which ambulance services may stock and carry drugs, and would address which drugs may be used, requirements for securing and maintaining those drugs, and who may administer such drugs. Some of the most significant proposals deal with drugs being brought upon a BLS ambulance by ALS personnel when those personnel rendezvous with a BLS ambulance to treat an ALS patient, circumstances under which health professionals may bring drugs upon an ambulance and use those drugs upon patients other than as authorized by the applicable regional transfer and medical treatment protocols, and continuation of hospital ordered medication on an ambulance by a nurse, physician or physician assistant when the ambulance is involved in an interfacility transport.

Section 1005.12 (relating to disciplinary and corrective actions) pertains to the disciplinary process applicable to ambulance services. The title of the section would be changed from "Grounds for suspension, revocation or refusal of an ambulance service license" because the scope of this section exceeds the enumeration of grounds for discipline. The most significant amendments proposed would be to add as a basis for discipline not communicating with PSAPs as would be prescribed in § 1005.10(e) (relating to licensure and general operating standards), and revising how the Department would communicate with ambulance services and complainants during and upon completion of complaint investigations.

Section 1005.13 (relating to removal of ambulances from operation) pertains to the removal of an ambulance from operation when there is a mechanical or equipment deficiency that poses a significant threat to the safety of patients or crew. No substantive amendment is being proposed.

Section 1005.14 (relating to invalid coaches) pertains to a statutory exemption from ambulance requirements for vehicles that are used to transport individuals who

require assistance, but who are not anticipated to require emergency medical care during transport. No amendment is being proposed.

Section 1005.15 (relating to discontinuance of service) would be new. This section would address and clarify the duty imposed upon an ambulance service, by section 12(q) of the act, to not discontinue its operations prior to giving the public, the Department and political subdivisions in its service area at least 90 days advance notice. The regulation would also require the ambulance service to provide similar notice to emergency communications centers in the EMS region in which it would be ceasing operations.

#### *Chapter 1007. Licensing of Air Ambulance Services—Rotorcraft*

This chapter specifies the licensure and operating criteria for air ambulance services. Several sections in Chapter 1005 (relating to licensing of BLS and ALS ground ambulance services), that would be applicable to ground ambulance services, would be equally applicable to air ambulance services. Express provision would be made in this chapter to incorporate applicable provisions in Chapter 1005. Consequently, some of the current sections in this chapter would not be needed. The unnecessary provisions would be deleted.

As a preliminary matter, the Department received comments during the process of developing proposed amendments that the regulations should be extended to entities that operate fixed-wing aircraft that provide medical treatment and transport of patients. The Department is considering the recommendation, but is not prepared to propose regulations regulating such entities at this time.

Section 1007.1 (relating to general provisions) specifies general standards applicable to air ambulance services. The most significant amendment of this regulation would be the addition of a subsection (e). That subsection would specify the sections in Chapter 1005 (relating to licensing of BLS and ALS ground ambulance services) that would apply to air ambulance services as well as ground ambulance services. These would include §§ 1005.3—1005.5, 1005.7a, 1005.8, 1005.9, 1005.11, 1005.13 and 1005.15.

All air ambulance services are licensed to provide ALS care. Some of the sections that would be referenced in subsection (e) would impose different requirements upon a ground ambulance service depending upon whether the service was licensed to provide ALS care or only BLS care. This subsection would clarify that the provisions of those sections which would apply to air ambulance services are those which would apply to ground ALS ambulance services.

Section 1007.2 (relating to applications) specifies the information solicited by applications for air ambulance service licenses. It would be amended to identify changes in some of the information that would be solicited. The section would also be amended to direct the applicant to file the license application with the regional EMS council having responsibility for the region in which the applicant intends to station its air ambulances, and it would prescribe how the application is to be processed by the regional EMS council. The section would further be amended to include a subsection identifying changes in the operations of the air ambulance service which would require a license amendment.

Section 1007.3 (relating to licenses) would be deleted. This section addresses matters such as the Department procedures for reviewing air ambulance license applica-

tions and display of the license. Some of the procedures would be revised in § 1007.2 (relating to applications). Other matters would be addressed in § 1005.5 (relating to licensure). Section 1007.1(e) (relating to general provisions) would make § 1005.5 applicable to air ambulance services.

Section 1007.4 (relating to renewal of air ambulance license) would be deleted. This section addresses various procedures to be followed for the renewal of an air ambulance service license. This subject matter would be addressed in § 1005.7a (relating to renewal of ambulance service license). Section 1007.1(e) (relating to general provisions) would make § 1005.7a applicable to air ambulance services.

Section 1007.5 (relating to inspections) would be deleted. This section deals with the authority of Department employees and agents to conduct inspections and investigations of air ambulance services. This subject matter would be addressed in § 1005.3 (relating to right to enter, inspect and obtain records). Section 1007.1(e) (relating to general provisions) would make § 1005.3 applicable to air ambulance services.

Section 1007.6 (relating to notification of deficiencies) would be deleted. This section deals with the process for addressing deficiencies following an inspection of an air ambulance service. This subject matter would be addressed in § 1005.4 (relating to notification of deficiencies to applicants). Section 1007.1(e) (relating to general provisions) would make § 1005.4 applicable to air ambulance services.

Section 1007.7 (relating to licensure and general operating standards) enumerates most of the standards an ambulance service needs to meet to become licensed and to continue operations. The fact that these are ongoing requirements was not conveyed by the title "Licensure requirements." Consequently, the Department proposes to amend the title by adding the language "general operating" to also modify "requirements." Moreover, compliance with many of the current standards, as well as several of the proposed additional standards, cannot be fully judged until the ambulance service has become licensed and commences operations.

Many of the matters addressed in proposed amendments to the corresponding section pertaining to ground ambulance services, § 1005.10 (relating to licensure and general operating standards), are also addressed in proposed amendments to this section, such as requirements of the air ambulance service to maintain documentation of its staffing plan, a record of calls to which it did not respond and the reason for not responding, and a copy of policies required by the section. Other similar subject matter addressed in the proposed amendments to this section are what constitutes meeting minimum staffing requirements; responsibilities with respect to communicating with PSAPs; medical command notification responsibilities; monitoring responsibilities; and the duty to maintain written policies and procedures.

A significant change is proposed with respect to the personnel required to meet minimum staffing requirements. The current regulations require that at least one of the crew members be a physician or a nurse. This requirement would be deleted. The staffing requirements would be revised to be the same as that required for a ground ALS ambulance service. This change is required as a matter of law. Section 12(g) of the act dictates the minimum staff that may be required, for licensure purposes, when responding to calls to provide EMS to

patients requiring ALS care. The statute makes no distinction between air and ground ALS ambulance services in this regard. The Department has no authority to mandate an air ambulance service to exceed the staffing standards enumerated in section 12(g) of the act. Of course, an air ambulance service is free to exceed the minimum staffing standards prescribed by statute, and should do so if providing proper care to patients requires it to exceed those standards.

Section 1007.8 (relating to disciplinary and corrective actions) deals with the disciplinary process applicable to air ambulance services. The amendments proposed to this section are virtually the same as those proposed to the counterpart section pertaining to ground ambulance services, § 1005.12 (relating to disciplinary and corrective actions).

Section 1007.9 (relating to voluntary discontinuation of service) would be deleted. This section addresses the duty imposed upon an air ambulance service, under section 12(q) of the act, to not discontinue its operations prior to giving advance notice to the Department, political subdivisions in its service area and the public. This subject matter would be addressed in § 1005.15 (relating to discontinuation of service). Section 1007.1(e) (relating to general provisions) would make § 1005.15 applicable to air ambulance services.

#### *Chapter 1009. Medical Command Facilities*

This chapter deals with the distinct units in hospitals out of which physicians who qualify as medical command physicians provide medical direction to prehospital personnel when they are providing emergency medical care in prehospital settings and during the interfacility transport of patients.

Section 1009.1 (relating to operational criteria) sets forth the requirements that must be met for a distinct unit in a hospital to function as a medical command facility. The title would be changed from "Accreditation and operational criteria." The reason for deleting the reference to "accreditation" is that the act neither requires nor makes provision for the Department to accredit medical command facilities. However, the definition of "medical command facility" in section 3 of the act, which states that a medical command facility is a distinct unit in a hospital "that contains the necessary equipment and personnel for providing medical command to and control to an ambulance service," when combined with other provisions of the act which declare that the Department shall serve as the lead agency for EMS in this Commonwealth (35 P. S. § 6925(b)) and shall have the authority to promulgate regulations necessary to carry out the provisions of the act (35 P. S. § 6937.1), implies that the Department shall prescribe the "necessary equipment and personnel" for a medical command facility. Some of the more significant amendments proposed to the section are that the medical command facility apprise PSAPs when it is unable to provide medical command, that it have a plan to ensure the availability of medical command in mass casualty situations, and that it provide medical command to prehospital personnel whenever they seek direction.

Section 1009.2 (relating to recognition process) describes the procedure to be followed if a facility chooses to be recognized as a medical command facility by the Department. The title of the section would be changed from "Accreditation process." The reason for the proposed change is that the act does not provide for the accreditation of medical command facilities, but does offer them

some degree of protection from civil liability if they are "recognized" by the Department. Section 11(j)(4) of the act provides that a medical command facility that is recognized by the Department may not be liable for any civil damages resulting as a consequence of orders issued through it, unless guilty of gross or willful negligence. Conditioning this civil liability protection upon being "recognized" by the Department suggests that medical command facilities may operate without the recognition, but would have greater exposure to civil liability if they choose to do so.

This section would be completely rewritten to explain that securing Department recognition reduces a medical command facility's exposure to civil liability. It would also explain the role of the Department and regional EMS councils in the recognition process and the appeal rights of applicants which are denied medical command facility recognition, and it would provide for medical command facility recognition to have a 3-year term.

Section 1009.3 (relating to continuity of medical command) would be deleted. This regulation grandfathered medical command facilities recognized by regional EMS councils prior to July 1, 1989, the date the regulation was promulgated. The regulation is no longer required.

Section 1009.4 (relating to withdrawal of medical command facility recognition) identifies the procedures for conducting inspections and investigating complaints against medical command facilities, the grounds for withdrawal of recognition and procedures for dealing with deficiencies in lieu of withdrawing recognition. The title of the section would be changed from "Suspension/revocation of accreditation."

Section 1009.5 (relating to review of medical command facilities) provides for regional EMS councils to conduct biennial reviews of medical command facilities. This section would be amended to permit the Department more flexibility in determining the frequency of reviews. Comprehensive reviews conducted biennially could impose an excessive work burden on some regional EMS councils, while other regional EMS councils could conduct the reviews more frequently. This is because there are many medical command facilities in some EMS regions, and very few in others. The Department anticipates requesting reviews more frequently than once every 2 years, but would modify the scope of some reviews so that they would not involve a comprehensive assessment of compliance with all recognition criteria. The title of the section would be changed from "Biennial review of facilities."

Section 1009.6 (relating to discontinuance of service) would be new. This section would require a medical command facility to provide the Department, the appropriate regional EMS council, and providers of EMS for which they routinely medical command, with 60 days notice prior to discontinuing medical command operations.

#### *Chapter 1011. Accreditation of Training Institutes*

This chapter pertains to the Department's accreditation of teaching institutes that provide persons with the training required by the Department's regulations to become certified as a first responder, an EMT or an EMT-paramedic, or recognized as a prehospital registered nurse. Matters addressed are the criteria for accreditation, the process to secure accreditation, and the process for denying, withdrawing, or conditioning accreditation.

Section 1011.1 (relating to BLS and ALS training institutes) identifies the criteria to operate as a BLS training institute to provide training leading to certifica-

tion as a first responder or an EMT, and as an ALS training institute to provide training leading to certification as an EMT-paramedic or a prehospital registered nurse. This section is currently titled "BLS training institutes" and deals only with facilities that provide training leading to certification as a first responder or an EMT. Section 1011.2 (relating to ALS training institutes) addresses only the criteria for providing training leading to certification as an EMT-paramedic or recognition as a prehospital registered nurse. The Department concluded that there was a significant amount of duplication in the two sections. It is therefore proposing that the two sections be consolidated into one. Section 1011.2 would be repealed due to the proposed consolidation of the two sections.

Section 1011.3 (relating to accreditation process) identifies the process for an entity to become accredited as a BLS or ALS training institute. The Department proposes to remove provisions relating to hearings when accreditation is denied, and to consolidate them with other hearing provisions in § 1011.4 (relating to denial, restriction or withdrawal of accreditation). The Department also proposes to delete language providing for the automatic accreditation of a training institute accredited by the American Medical Association. Of course, an institute would still be accredited if it would meet the minimum standards imposed by this section. The provision proposed for deletion would be replaced by language providing that if the Department reviews the accreditation standards of another accrediting body, and concludes that they are equal to or greater than the accreditation standards of the Department, the Department could rely upon the accreditation of that accrediting body to abbreviate the Department's own accreditation review.

Section 1011.4 (relating to denial, restriction or withdrawal of accreditation) identifies the procedures for investigating complaints against EMS training institutes, for denying, withdrawing or conditioning accreditation, and for appealing those decisions. The title of the section would be changed from "Suspension/revocation."

#### *Chapter 1013. Special Event EMS*

This chapter enables entities to have a Department determination as to whether EMS arrangements are adequate when those entities are responsible for the management and administration of a planned and organized activity that places attendees or participants in a defined geographic area where access by emergency vehicles might be delayed due to people or traffic congestion at or near the event.

Section 1013.1 (relating to special event planning requirements) would be amended to clarify that submitting a special event EMS plan to the Department for its approval is not mandated under the act. Nevertheless, as the Commonwealth's lead agency for EMS, the Department believes that this is a public service it should make available to entities desiring such a review. Municipalities may also choose to mandate the review for special events held within their borders. This section would also be amended to reflect that special event EMS plans are to be processed through the regional EMS council assigned responsibility for the region in which the event is to take place. An additional substantive requirement for plan approval would be that it identify measures that have and would be taken to coordinate EMS for the special event with local EMS and public safety agencies, such as ambulance, police, fire, rescue and hospital agencies or organizations.

Section 1013.2 (relating to administration, management and medical direction requirements) would be amended by requiring that a medical command physician provide direction and supervision for the EMS system for it to secure Department approval for a special event involving more than 25,000 people.

Sections 1013.3—1013.7 would not be amended, except that population figures triggering the application of certain standards in §§ 1013.3 and 1013.5 would be adjusted downward by 5,000, and equipment requirements in § 1013.5 would not be confined to BLS equipment.

Section 1013.8 (relating to special event report) would be new. It would require an entity that secured Department approval of a special event EMS plan to file with the appropriate regional EMS council, after concluding a special event, a special event report containing information solicited by the Department in the report form.

#### *Chapter 1015. Quick Response Service Recognition Program*

This chapter addresses the mobilization of prehospital personnel to arrive at the scene of emergency and provide EMS in advance of the arrival of an ambulance and its crew. While most areas of this Commonwealth can be reached by an ambulance within a few minutes, there are a few areas, generally rural or remote wilderness areas, where this is not the case. In those areas, the Department, the regional EMS councils and municipal organizations have attempted to form units of prehospital personnel to respond to emergencies prior to the arrival of an ambulance. The label the Department has given to such an early EMS response team is "quick response service (QRS)."

A shortcoming of the act is that it does not directly provide for the creation or regulation of these quick response teams. While statutory criteria exists for granting licenses and pursuing disciplinary and corrective action against ambulance services, no similar provisions exist relative to the organization of prehospital personnel into early response teams.

Nevertheless, the act contemplates that prehospital personnel arriving at an emergency scene by ambulance, and transporting patients by ambulance, are not to be the exclusive components of prehospital EMS. For example, section 4(4)(i) and (ii) of the act (35 P. S. § 6924(4)(i) and (ii)) direct the Department to coordinate programs to ensure that the Commonwealth's EMS system has an adequate number of vehicles, in addition to ambulances, to transport patients, and that those vehicles be properly staffed and equipped. Also, in 1994 the act was amended by Act 82 to provide for the certification of first responders, which the act describes as persons certified to stabilize and improve a patient's condition in a prehospital setting until more highly trained prehospital personnel arrive at the scene. See section 11(a.1) of the act. This chapter is designed to bring first responders and other authorized personnel who provide preambulance medical assistance to patients into the Commonwealth's EMS system in a more structured manner than has been accomplished by existing regulations.

Section 1015.1 (relating to quick response service) would be new. It would establish criteria for recognition as a QRS, the process for securing the recognition, and provide for renewal. To receive QRS recognition an applicant would have to maintain equipment that the Department will identify in the *Pennsylvania Bulletin*, have the capability to be dispatched and to communicate with a responding ambulance service, provide EMS only through

prehospital personnel and other persons authorized by law to provide the services, provide designated information on an ambulance call report for each call to which it responds, and follow Statewide and regional medical treatment protocols.

Section 1015.2 (relating to discontinuation of service) would be new. It would require a QRS to provide advance notice to the Department, the appropriate regional EMS council, and each political subdivision within its service area before discontinuing services.

#### *Fiscal Impact*

The cost to the Department to administer and monitor the continuing education program would increase because an additional staff position would be required in the Department to coordinate the integration of revised continuing education standards. Additionally, the Department would incur costs in developing review processes to incorporate alternative methods of course presentation which would be permitted by the amendments. Also, all currently approved continuing education courses (approximately 700) would need to be re-evaluated and assigned new course numbers to reflect trauma and medical continuing education credit hours for which the course would qualify. The Department would also need to revise the reporting and recordkeeping process for it to process continuing education information. Revision of forms and printing would result in associated costs. One computer work system for the additional staff person would be needed.

The Department would also incur additional costs for the continuing education program to update computer software to maintain a registry of continuing education courses. Also, costs would be incurred in updating continuing education data processing capabilities. The total estimated costs for these expenditures are \$100,500 for FY 1998-99.

Currently, physicians who are not board certified in emergency medicine must complete additional courses to maintain recognition as a medical command physician. A physician is required to renew ATLS and ACLS certification on a 4-year and 2-year basis. Of the 3,200 medical command physicians, approximately 23% (736) of them are board certified in emergency medicine and, therefore, are not required to take additional courses. The regulations for other medical command physicians would be revised to require completion of an ATLS course on a one time basis only. Costs for ATLS courses may range from \$125—\$325. Also, these courses are not readily available in rural areas of the Commonwealth. Physicians frequently need to travel to distant parts of the State to complete ATLS courses. The regulations would result in a cost reduction to that physician population ranging from \$308,000—\$800,800 every 4 years.

#### *Paperwork Requirements*

Medical command facility medical director and medical command physician applications would be revised. The manual the Department distributes to facilities to aid them in meeting medical command facility criteria would need to be revised, reprinted and distributed. The Department would need to do likewise for the manual it distributes to regional EMS councils to aid them in surveying license applicants.

The Department's records for the existing 700 continuing education courses would need to be revised to reflect new course numbers given to them to reflect trauma and medical continuing education credit hours assigned to them. Course forms would need to be revised by institu-

tions offering the courses. They would also incur revised reporting and recordkeeping responsibilities.

In making the transition to the new regulatory standards, the Department intends to employ all opportunity afforded by technology to reduce paperwork and costs.

#### *Effective Date/Sunset Date*

The proposed amendments will go into effect when published in the *Pennsylvania Bulletin* as final regulations. No sunset date will be imposed. The Department will monitor the regulations to ensure that they meet EMS needs within the scope of the Department's authority to address through regulations.

#### *Statutory Authority*

Section 17.1 of the act (35 P. S. § 6937.1) provides that the Department, in consultation with the Council, may promulgate regulations as may be necessary to carry out the provisions of the act. Other sections of the act contain more narrow grants of authority to the Department to promulgate regulations.

In section 3 of the act, the definitions of "advanced life support service medical director" and "Commonwealth Emergency Medical Director" provide that to qualify as either, one must be a medical command physician or meet equivalent qualifications as established by the Department through regulation. In the same section, the definitions of "emergency medical technician" and "emergency medical technician-paramedic" provide that both are to be certified in accordance with the current National standard curriculum as set forth in the regulations of the Department. See, also, section 11(b)(1)(i) and (d)(1)(i) of the act. The definition of "medical command" in section 3 of the act provides that medical command physicians are to meet qualifications prescribed by the Department.

Section 5(2) of the act authorizes the Department to employ regulations to establish standards and criteria governing the award and administration of contracts under the act. Section 5(11) of the act authorizes the Department to adopt regulations to establish standards and criteria for EMS systems.

Section 11(a)(1) of the act provides that the Department shall employ regulations to develop standards for the accreditation of educational institutes for EMS personnel. Section 11(a)(4), (d)(3) and (e) of the act provide that EMT and EMT-paramedics may, in the case of an emergency, perform duties deemed appropriate by the Department in accordance with the Department's regulations. Section 11(d)(2)(ii)(A) and (B), and (e.1)(3)(i) and (ii) of the act provides that ALS service medical directors shall base a decision on whether to grant medical command authorization to an EMT-paramedic or prehospital registered nurse upon the individual's demonstrated competency in knowledge and skills as defined by Department regulation and the individual's completion of continuing education requirements adopted by regulation. Section 11(d)(2)(vi) and (e.1)(5) of the act provide that when an EMT-paramedic or prehospital registered nurse chooses to not seek or maintain medical command authorization, and to function exclusively as an EMT, that person is to apply to the Department for recognition as an EMT under Department regulations. Section 11(f) of the act provides that physicians approved by regional EMS councils as medical command physicians may give medical commands subject to Department regulatory requirements. Section 11(h) and (i) of the act provides that regional EMS council transfer and medical treatment protocols are to be established under Department regulation. Section 11(j)(2) of the act

grants immunity, for specified conduct, to EMS students enrolled in approved courses and supervised under Department regulations.

Section 12(b) of the act provides that applications for the renewal of ambulance service licenses shall be made on forms prescribed by the Department in accordance with its regulations. Section 12(d) of the act provides that the Department shall promulgate regulations setting forth minimum essential equipment for BLS and ALS ambulances, as well as design criteria for ambulances.

Section 14(d) of the act (35 P. S. § 6934(d)) provides that the standards the Department employs to disburse moneys from EMSOF to providers of EMS shall be under regulation.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 29, 1999, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Health and Human Services Committee and the Senate Public Health and Welfare Committee. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the regulations, by the Department, the General Assembly and the Governor of objections raised.

#### *Contact Person*

Interested persons are invited to submit comments, suggestions or objections regarding the proposal to Margaret E. Trimble, Director, Emergency Medical Services Office, Department of Health, 1027 Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108, (717) 787-8740, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Persons with a disability may also submit comments, suggestions or objections to Margaret Trimble in alternative formats, such as by audio tape, braille, or by using TDD: (717) 783-6514. Persons with a disability who require an alternate format of this document (such as, large print, audio tape, braille) should contact Margaret Trimble so that she may make the necessary arrangements.

GARY L. GURIAN,  
*Acting Secretary*

**Fiscal Note:** 10-143. (1) General Fund; (2) Implementing Year 1998-99 is \$34,000; (3) 1st Succeeding Year 1999-00 is \$Minimal; 2nd Succeeding Year 2000-01 is \$Minimal; 3rd Succeeding Year 2001-02 is \$Minimal; 4th Succeeding Year 2002-03 is \$Minimal; 5th Succeeding Year 2003-04 is \$Minimal; (4) Fiscal Year 1997-98 \$6 million; Fiscal Year 1996-97 \$8 million; Fiscal Year 1995-96 \$6 million; (7) Emergency Medical Services; (8) recommends adoption. The Department can absorb any increased cost associated with these proposed amendments.

## Annex A

## TITLE 28. HEALTH AND SAFETY

## PART VII. EMERGENCY MEDICAL SERVICES

## CHAPTER 1001. ADMINISTRATION OF THE EMS SYSTEM

## Subchapter A. GENERAL PROVISIONS

## GENERAL INFORMATION

## § 1001.1. Purpose.

The [ **Department has the duty under the act** ] purpose of this part is to plan, guide, assist and coordinate the development of regional EMS systems into a unified Statewide system and to coordinate the system with similar systems in neighboring states, and to otherwise implement the Department's responsibilities under the act consistent with the Department's rulemaking authority. [ **The Department will accomplish this purpose through this part.** ]

## § 1001.2. Definitions.

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

*ACLS course*—*Advanced cardiac life support course*—A course in **advanced cardiac life support** sanctioned by the American Heart Association.

*ALS ambulance service*—*Advanced life support ambulance service*—An entity licensed by the Department to provide ALS services [ **and transportation** ] by ambulance to seriously ill or injured patients. The term includes mobile ALS **ambulance** services that may or may not transport patients.

*ALS service medical director*—*Advanced life support service medical director*—A medical command physician or a physician meeting the equivalent qualifications [ **set forth** ] in § 1003.5 (relating to ALS service medical director) who is employed by, contracts with or volunteers with, either directly, or through an intermediary, an ALS ambulance service to **make medical command authorization decisions**, provide medical guidance and advice to the ALS ambulance service and [ **to** ] evaluate the quality of patient care provided by the prehospital personnel utilized by the ALS ambulance service.

*ALS services*—*Advanced life support services*—The advanced prehospital and interhospital emergency medical care of serious illness or injury by appropriately trained health professionals and [ **certified** ] EMT-paramedics.

*APLS course*—*Advanced pediatric life support course*—A course in advanced pediatric life support sanctioned by the American Academy of Pediatrics and the American College of Emergency Physicians.

*ATLS course*—*Advanced trauma life support course*—A course in **advanced trauma life support** sanctioned by the American College of Surgeons Committee on Trauma.

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*Air ambulance*—A rotorcraft [ **licensed by the Department for use as an EMS vehicle** ] specifically designed, constructed or modified and equipped, used or intended to be used, and maintained or operated for the purpose of providing emergency medical care to, and air transportation of, patients.

[ *Air ambulance medical crew member*—A licensed physician, registered nurse or certified EMT-paramedic, who meets the qualifications required by Chapter 1007 (relating to licensing of air ambulance services—rotor craft) and who is employed to provide prehospital medical care and services to patients transported by air ambulance. ]

*Air ambulance medical director*—A medical command physician or a physician meeting the minimum qualifications [ **set forth** ] in [ § 1003.41 (relating to air ambulance medical director) ] § 1003.5 who is employed by, or contracts with, or volunteers with, either directly, or through an intermediary, an air ambulance service to **make medical command authorization decisions**, provide medical guidance and advice to the [ **ALS** ] air ambulance service, and [ **to** ] evaluate the quality of patient care provided by the prehospital personnel utilized by the air ambulance service.

*Air ambulance service*—An agency or entity licensed by the Department to provide transportation and ALS care of patients by air ambulance.

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*Ambulance*—A vehicle specifically designed, constructed or modified and equipped, used or intended to be used, and maintained or operated for the purpose of providing emergency medical care to **patients**, and the transportation of [ **,** ] patients **if used for that purpose**. The term includes ALS or BLS vehicles that may or may not transport patients.

*Ambulance attendant*—An individual who [ **holds a valid certificate evidencing the successful completion of a course in advanced first aid sponsored by the American Red Cross and a valid certificate evidencing the successful completion of a course in CPR sponsored by the American Heart Association or the American Red Cross, or an individual who can evidence the successful completion of an equivalent training program approved by the Department** ] possesses the qualifications in § 1003.21(b) (relating to ambulance attendant).

*Ambulance call report*—A summary of an emergency ambulance response, nonemergency ALS response, interfacility transport or nonemergency BLS transport that becomes an emergency. The report shall contain information specified in a format provided by the Department.

*Ambulance identification number*—A number issued by the Department to each ambulance operated by an ambulance service.

*Ambulance service*—An entity which regularly engages in the business or service of providing emergency medical care and transportation of patients in this Commonwealth. The term includes [ **mobile** ] ALS ambulance services that may or may not transport patients.

*Ambulance service affiliate number*—[ **The** ] A unique number assigned by the Department to an ambulance service, the first two digits of which designate the county in which the ambulances of the ambulance service are based.



[ *Ambulance trip report number*—A unique number assigned to an ambulance response and recorded on the ambulance trip report form. ]

*BLS ambulance service*—*Basic life support ambulance service*—An entity licensed by the Department to provide BLS services and transportation by ambulance to [ *seriously ill or injured* ] patients.

*BLS services*—*Basic life support services*—The basic prehospital or interhospital emergency medical care and management of illness or injury performed by specially trained [ *and* ], certified or licensed personnel.

[ *BLS training institute*—*Basic life support training institute*—An entity accredited by the Department to conduct BLS training courses designed to prepare individuals to render prehospital and interhospital BLS within an organized EMS system. ]

*Basic rescue practices technician*—An individual who [ holds a valid certificate of successful completion of a rescue training program conducted in accordance with the training curriculum approved by the Department ] is certified by the Department to possess the training and skills to perform a rescue operation as taught in a basic rescue practices technician program approved by the Department.

*Basic vehicle rescue technician*—An individual who [ holds a valid certificate of successful completion of a vehicle rescue training program conducted in accordance with the training curriculum approved by the Department ] is certified by the Department to possess the training and skills to perform a rescue from a vehicle as taught in a basic vehicle rescue technician program approved by the Department.

*Board certification*—Current certification in a medical specialty or subspecialty recognized by either the American Board of Medical Specialties or the American Osteopathic Association.

*CPR*—*Cardiopulmonary resuscitation*—The combination of artificial respiration and circulation which is started immediately as an emergency procedure when cardiac arrest or respiratory arrest occurs[, by those properly trained and certified to do so ].

*CPR [ Certification ] course*—*Cardiopulmonary resuscitation [ certification ] course*—A [ certificate evidencing successful completion of a ] course of instruction in CPR, meeting the [ *most current American Heart Association* ] Emergency Cardiac Care Committee National Conference on CPR and Emergency Cardiac Care standards. The [ *certification* ] course shall [ *have a current valid date and* ] encompass one and two-rescuer adult, infant and child CPR, and obstructed airway methods.

[ *Closest available ambulance*—An ambulance, which as a result of a combination of location and other factors, such as traffic conditions, weather, and the like, can reach a patient most promptly. ]

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*Continuing education*—Learning activities intended to build upon the education and experiential basis of prehospital personnel for the enhance-

ment of practice, education, administration, research or theory development, to strengthen the quality of care provided.

*Continuing education sponsor*—An entity or institution that [ *applies to the Department and satisfies the Department's requirements to become an* ] is accredited by the Department as a sponsor of continuing education courses.

*Council*—The [ *State Advisory Council, which shall be known as the* ] Board of Directors of the Pennsylvania Emergency Health Services Council.

*Critical care specialty receiving facility*—[ *Facilities* ] A facility identified by [ *their* ] its capability of providing specialized emergency and continuing care to patients [ *within* ], including, in one of the following medical areas: poisoning, neonatal, spinal cord injury, behavioral, burns, cardiac and trauma.

\* \* \* \* \*

*Department [ of Health certification ] identification number*—A number issued [ *through the Department's computer system* ] by the Department that identifies an individual who participates in the Statewide EMS system and, who has been certified [ *as an EMT, EMT-paramedic, EMT instructor, first responder, and the like* ]. The certification includes the expiration date and the status level.], recognized or otherwise assigned an identification number by the Department.

*Direct support of EMS systems*—Activities, equipment and supplies that are involved in the planning, initiation, maintenance, expansion or improvement of EMS systems.

*EMSOF*—*Emergency Medical Services Operating Fund*—Moneys appropriated to the Department under section 14(c) of the act (35 P. S. § 6934(c)) and which are not assigned to the Catastrophic Medical and Rehabilitation Fund.

\* \* \* \* \*

[ *EMS council*—A nonprofit incorporated entity or appropriate equivalent whose function is to plan, develop, maintain, expand and improve EMS systems within a specific geographical area of this Commonwealth and which is deemed by the Department as being representative of health professions and major public and voluntary agencies, organizations and institutions concerned with providing EMS. See the definition of "regional EMS council." ]

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*EMS training institute*—*Emergency medical services training institute*—An institute accredited by the Department to provide a course required for the certification or recognition of a prehospital practitioner.

\* \* \* \* \*

*EMT*—*Emergency medical technician*—An individual trained to provide prehospital emergency medical treatment and certified as such by the Department in accordance with the current [ *NSC for basic EMTs* ] EMT-NSC, as set forth in this part.

*EMT-NSC—Emergency medical technician-National standard curriculum*—[ **The current National training program for emergency medical technicians** ] **An outline of knowledge and skills recommended for the education and training of EMTs**, as adopted by the United States Department of Transportation.

*EMT-paramedic—Emergency medical technician paramedic*—An individual who is trained to provide prehospital emergency medical treatment at an advanced level and certified as such by the Department [ **under** ] **in accordance with the current [ NSC for EMT-paramedics ] EMT-NSC**, as set forth in this part.

*EMT-paramedic NSC—Emergency medical technician-paramedic National standard curriculum*—[ **The National training program for EMT-paramedics** ] **An outline of knowledge and skills recommended for the education and training of EMT-paramedics**, as adopted by the United States Department of Transportation.

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*Emergency department*—An area of the hospital dedicated to offering emergency medical evaluation and initial treatment to individuals in need of emergency care. [ **An emergency department may be a section/division of the medicine or surgery department, or may be organized as a separate department.** ]

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*Federal KKK standards*—The minimum standards and specifications for ambulance vehicles [ **set up** ] **adopted by the United States Department of Transportation [ Federal KKK-A-1822-B 1985, and amendments or revisions thereto ]**.

\* \* \* \* \*

[ **Field internship**—A portion of a required EMT-paramedic training program during which the student obtains supervised experience on a licensed ALS unit.

*Field preceptor*—A person who evaluates a student's performance in a prehospital setting and is approved by the ALS training institute medical director. ]

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*Health professional*—A [ **licensed** ] physician who has education and continuing education in ALS services and prehospital care or a prehospital registered nurse.

\* \* \* \* \*

[ **Incident location**—The geographic site of an emergency usually indicated by a minor civil division code number. ]

*Invalid coach*—A vehicle primarily maintained, operated and intended to be used for routine transport of persons who are convalescent or otherwise nonambulatory and do not ordinarily require emergency medical treatment while in transit. The term does not include an ambulance or [ **an** ] **another EMS vehicle.**

[ **Licensing agency**—The Department. ]

*Medical advisory committee*—An advisory body, composed of a majority of physicians, to advise [ **the** ] a

regional [ **/State** ] **EMS council or the Council** on issues that have potential impact on the delivery of emergency medical care.

\* \* \* \* \*

*Medical command*—An order given [ **to a provider of EMS by an authorized medical command physician who meets qualifications prescribed by the Department** ] **by a medical command physician to a prehospital practitioner in a prehospital, interfacility or emergency care setting in a hospital, to provide immediate medical care to prevent loss of life or aggravation of physiological or psychological illness or injury.**

*Medical command authorization*—Permission given by the ALS service medical director, **including an air ambulance medical director**, to an EMT-paramedic or a prehospital registered nurse under § 1003.28 (relating to medical command authorization) to perform, on behalf of an ALS ambulance service, ALS services pursuant to medical command or in accordance with Department approved regional EMS council transfer and medical treatment protocols when medical command cannot be secured, is disrupted or is not required pursuant to the approved regional EMS council transfer and medical treatment protocols.

*Medical Command Base Station Course*—The course adopted by the Department for medical command physicians and ALS service medical directors which provides an overview of the medical command system and base station direction.

*Medical command facility*—The distinct unit within a facility that contains the necessary equipment and personnel, **as prescribed in § 1009.1 (relating to operational criteria)** for providing medical command to and control [ **to an ambulance service** ] **over prehospital personnel when providing medical command.**

*Medical command facility medical director*—A medical command physician [ **responsible** ] **who meets the criteria established by the Department to assume responsibility for the [ medical ] direction and control of the [ medical command physicians at an accredited ] equipment and personnel at a medical command facility.**

*Medical command physician*—A physician [ **licensed in this Commonwealth who meets the criteria set forth by the Department for a medical command physician and** ] **who is approved by [ the ] a regional EMS council [ medical director ] to provide medical command [ to prehospital and interhospital providers ].**

*Medical [ control ] coordination*—A system which involves the medical community in all phases of the regional EMS system and consists of the following elements:

\* \* \* \* \*

(ii) Responsibility for [ **overall supervision** ] **oversight** to assure implementation of all medical requirements, **with special emphasis on patient triage and medical treatment protocol.**

(iii) Effective emergency medical planning and [ **designation** ] **recommendation for Department recognition.**

tion of [ on-line ] online command facilities with medical command physicians who give orders to prehospital patient care providers.

(iv) [ Medical ] Transfer and treatment protocols.

\* \* \* \* \*

[ *Medical protocols*—Written prescribed medical procedures, adopted by the regional EMS councils after consultation with the regional EMS medical advisory committee and approval by the Department. Review of medical protocols by the regional councils shall be made on an annual basis with notification to the Department of changes. ]

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[ *Medical service area*—A specified geographic area within which responsibility for medical supervision and control is designated by a regional EMS council based upon factors such as patient flow patterns, area population and EMS call volumes. ]

*Medical treatment protocols*—Written prescribed medical procedures.

*Mutual aid response*—Response by an ambulance unit to an emergency based on a written agreement between [ EMS providers ] ambulance services whereby the signing parties agree to lend aid to one another under conditions specified in the agreement.

\* \* \* \* \*

[ *On-line communication*—Direct radio or telephonic communication. ]

*PALS course*—*Pediatric advanced life support course*—A course in advanced pediatric life support sanctioned by the American Heart Association and the American Academy of Pediatrics.

*PSAP*—*Public safety answering point*—A communications center established to serve as the first point at which calls by or on behalf of patients are received requesting emergency medical assistance.

*Patient*—An individual who is believed to be sick, injured, wounded or otherwise incapacitated and helpless and who needs immediate medical attention.

[ *Pennsylvania Field Protocols for BLS*—The most current BLS treatment guidelines recommended by the Council's Medical Advisory Committee and approved by the Department as defined in the act. ]

\* \* \* \* \*

*Physician*—An individual who has a currently registered license to practice medicine or osteopathic medicine in this Commonwealth.

[ *Prehospital ambulance trip report*—A summary of each ambulance call to which an ambulance responds. The report shall contain information specified on forms provided by the Department. ]

*Prehospital personnel*—[ Personnel certified or recognized by the Department to render EMS to patients outside of the hospital setting. ] The term includes any of the following individuals:

- (i) Ambulance attendants.
- (ii) First responders.
- (iii) EMTs.

(iv) EMT-paramedics.

(v) Prehospital registered nurses.

(vi) Health professional physicians.

*Prehospital Personnel [ Training ] Manual*—\*\*\*

\* \* \* \* \*

[ *Prescribing physician*—A physician licensed in this Commonwealth who is either the medical command physician who has ordered the controlled substance or the receiving emergency department physician who has received the patient from the ALS unit and will be replacing the controlled substance. A prescribing physician shall possess a valid DEA number.

*Primary response area*—The specified geographic area assigned to a licensed ambulance service that then has responsibility for the provision of prehospital emergency medical care and transportation in the area. Primary response areas are determined by regional EMS council plans, according to factors such as the location of ambulance resources, ambulance response times and area population. A primary response area designation is not intended to be an exclusive designation. ]

*Providers of EMS*—A facility, BLS ambulance service or ALS ambulance service, or a QRS.

*QRS*—*Quick [ Response Service ] response service*—[ A service which meets Department requirements and is strategically located to fill a response time gap if EMS cannot be provided within 10 minutes of the time a call for assistance is received. ] An entity recognized by the Department to respond to an emergency and to provide EMS to patients pending the arrival of the prehospital personnel of an ambulance service.

[ *Quick responder*—A person responding as part of a designated quick response service which is strategically located within a specified EMS service area and is coordinated through the local and regional EMS response system. The personnel shall be trained and certified to the first responder level or higher. ]

*Receiving facility*—A fixed facility that provides an organized emergency department [ of emergency medicine ], with a [ licensed and ACLS certified ] physician who is trained to manage cardiac, trauma and pediatric emergencies, and is present in the facility [ who is ] and available to the emergency department 24 [ hours a day ] hours-a-day, 7 [ hours a week ] days-a-week, and a registered nurse who is present in the emergency department 24 [ hours a day ] hours-a-day, 7 [ hours a week ] days-a-week. The [ facilities ] facility shall also comply with Chapter 117 (relating to emergency services).

*Regional EMS council*—A nonprofit incorporated entity or appropriate equivalent whose function is to plan, develop, maintain, expand and improve EMS systems within a specific geographical area of this Commonwealth and which is deemed by the Department as being representative of health professions and major public and voluntary agencies, organizations and institutions concerned with providing EMS in the region. [ See the definition of "EMS council." ]

**Registered nurse**—An individual who has a current original or renewed license to practice nursing in this Commonwealth as a registered nurse.

\* \* \* \* \*

**Service area**—The area in which an ambulance service routinely provides services.

\* \* \* \* \*

**Special event**—A planned and organized activity or contest, which will place [a group of 10,000 or more known or estimated] participants or attendees, or both, in a defined geographic area where access by emergency vehicles might be delayed due to crowd or traffic congestion at or near the event.

[**Specialized**] **Special vehicle rescue [training] technician**—An individual who [holds a valid certificate of successful completion of a training program in specialized rescue training conducted in accordance with the curriculum approved by the Department] is certified by the Department to possess the training and skills to perform special rescue operations as taught in the special vehicle rescue training program approved by the Department.

\* \* \* \* \*

**Statewide BLS medical treatment protocols**—Written medical treatment protocols adopted by the Department that have Statewide application to the delivery of BLS services by prehospital personnel.

[**Transfer agreements**—A formal written agreement between facilities providing for transfer of patients to specialized facilities which offer follow-up care and rehabilitation as necessary to effect the maximum recovery of the patient.]

**Trauma center**—A facility accredited as a trauma center by the Pennsylvania Trauma Systems Foundation.

[**Vehicle licensure identification number**—A number issued by the Department to each ambulance of a ambulance service.]

### § 1001.3. Applicability.

(a) This part implements the act.

(b) This part affects regional EMS councils, the Council, other entities desiring to [contract with] receive funding from the Department or the regional EMS councils for the provision of EMS, ALS and BLS ambulance services, QRSs, instructors and institutes involved in the training of prehospital personnel including EMTs, EMT-paramedics, first responders, ambulance attendants and health professionals, and trauma centers and local governments involved in the administration and support of EMS.

### § 1001.4. Exceptions.

(a) The Department may, for justifiable reason, grant exceptions to, and departures from, this part when the policy objectives and intentions of this part are otherwise met or when compliance would create an unreasonable hardship, but would not impair the health, safety or welfare of the public. No exceptions or departures from this part will be granted if compliance with the [requirement is provided for] standard is required by statute.

\* \* \* \* \*

(f) The Department may, on its own initiative, grant an exception to this part if the substantive requirements of subsection (a) are satisfied.

### § 1001.5. Investigation.

(a) The Department may investigate accidents involving an ambulance or other EMS vehicle.

(b) The Department may investigate complaints involving EMS providers or personnel.] The Department may investigate any person, entity or activity for compliance with the provisions of the act and this part.

### § 1001.6. Comprehensive EMS development plan.

(a) The Department, with the advice of the Council, will develop and annually update a Statewide EMS development plan for the coordinated delivery of EMS in this Commonwealth.

\* \* \* \* \*

(c) The Department will incorporate regional EMS development plans into the Statewide EMS development plan.

(d) The Department will adopt a Statewide EMS development plan, and updates to the plan, after public notice, an opportunity for comment and its consideration of comments received, and will make the plan available to the General Assembly and all concerned agencies, entities and individuals who request a copy.

### § 1001.7. Comprehensive regional EMS development plan.

(a) A regional EMS council shall develop and annually update a regional EMS development plan for coordinating and improving the delivery of EMS in the region for which it has been assigned responsibility.

(b) The plan shall contain:

(1) An inventory of emergency services resources available in the region.

(2) An assessment of the effectiveness of the existing services and a determination of the need for additional services.

(3) A statement of goals and specific measurable objectives for delivery of EMS to persons in need of EMS in the region.

(4) Identification of interregional problems and recommended measures to resolve those problems.

(5) Methods to be used in achieving stated objectives.

(6) A schedule for achievement of the stated objectives.

(7) A method for evaluating whether the stated objectives have been achieved.

(8) Estimated costs for achieving the stated objectives.

(9) Other information as requested by the Department.

(c) A regional EMS council shall, in the course of preparing a regional EMS development plan, and updates to the plan, provide public notice and an

opportunity for comment. It shall consider all comments before submitting a proposed plan to the Department.

(d) A regional EMS development plan shall become final after it is approved by the Department. The regional EMS council shall make the plan available to all concerned agencies, entities and individuals who request a copy.

Subchapter B. AWARD AND ADMINISTRATION OF  
[ CONTRACTS ] FUNDING

§ 1001.21. Purpose.

This subchapter implements section 5(b)(2) of the act (35 P. S. § 6925(b)(2)), which authorizes the Department to establish, by regulation, standards and criteria governing the award and administration of contracts under the act, and section 10 of the act (35 P. S. § 6930), which authorizes the Secretary to enter into contracts with regional EMS councils and other appropriate entities for the initiation, expansion, maintenance and improvement of EMS systems which are in accordance with the Statewide EMS development plan, and which further authorizes the Secretary to enter into contracts with organizations other than regional EMS councils to assist the Department in complying with the provisions of the act.

§ 1001.22. Criteria for funding.

(a) A potential contractor or other recipient of funds from the Department, either directly or through the Department's agent, may receive funding for the following:

(1) Public education, information and prevention regarding EMS, including:

\* \* \* \* \*

(2) Purchasing ambulances, medical equipment and rescue equipment which enables or enhances the delivery of EMS. Equipment will be funded only if approved by the Department.

(i) Ambulances will be considered for funding if the funds will be used for [ expansion for the service ] the addition or replacement of existing vehicles or parts, by a licensed ambulance service or an [ ambulance service ] entity submitting an application for licensure as an ambulance service. [ Ambulances which are funded shall meet or exceed standards defined, published and distributed by the Department. ]

(ii) Medical equipment will be considered for funding if the funds will be used to purchase medical equipment for ambulances, [ QRS ] QRSs, [ first responder agencies ], rescue services and other emergency services approved by the Department, including police and fire departments and recognized medical command facilities.

(iii) Rescue equipment will be considered for funding if the funds will be used to purchase rescue equipment for ambulance services, rescue services, fire departments, [ QRS ] QRSs, police agencies and other emergency services approved by the Department.

(3) Costs associated with training programs for prehospital personnel.

(i) [ These funds will be provided only to EMS training facilities accredited by the Department for classes that include first responders, EMTs, EMT-

paramedics, emergency services dispatchers, health professionals and rescue technicians.

(ii) Costs associated with the training programs in subparagraph (i) that will be eligible for funding include expenses associated with providing:

(A) Instructors.

(B) Course coordinators.

(C) Program medical directors.

(D) Clinical and field preceptors.

(E) Medical and nonmedical equipment and supplies.

(F) Field internships.

(G) Related travel expenses.

(H) Program directors. ]

Educational costs associated with the conduct of training programs for prehospital personnel, and for other personnel who are involved in managing interfacility patient transports.

[ (iii) ] (ii) \*\*\*

\* \* \* \* \*

(5) Purchasing communications equipment, including medical command communications equipment, and alerting equipment for EMS purposes, if the purchases are in accordance with regional EMS council and Statewide telecommunications plans.

(6) Purchasing equipment for [ hospital ] emergency departments, if the equipment is used or intended to be used in equipment exchange programs with ambulance services. The equipment purchased shall be of a type used by prehospital and interhospital EMS personnel in the care, treatment, stabilization and transportation of patients in a prehospital or interhospital setting. It shall be the type of equipment that can be easily or safely removed from the patient upon arrival or during treatment at the receiving [ medical ] facility.

\* \* \* \* \*

(9) Emergency allocations.

(i) Costs associated with a State or Federally declared emergency which the [ Secretary ] Department finds necessary to carry out the purpose of the act. Eligible applicants are those recognized by the regional EMS council as participants in the delivery of emergency medical or rescue services to or in the affected area.

(ii) Other emergency allocations found necessary by the [ Secretary ] Department to provide immediate resources or equipment to an area where the health and safety of the residents of this Commonwealth are in jeopardy.

(10) Costs associated with the implementation of voluntary certification or recognition programs, [ including ] such as a voluntary rescue service certification program.

\* \* \* \* \*

(b) [ To be considered for funding, a potential contractor may not propose to provide ] Funds will not be made available for any of the following:

\* \* \* \* \*

(c) The Department will set forth additional priorities for funding on a yearly basis in notices published in the *Pennsylvania Bulletin*.

(d) The Department, by contract or notice published in the *Pennsylvania Bulletin*, may require a contractor or other applicant for funding to provide matching funds in specified percentages as a condition for receiving funds distributed by the Department or a regional EMS council.

#### § 1001.23. Allocation of funds.

[ (a) ] The Department and regional EMS councils will consider the following factors in determining who shall receive funding and in what amount:

\* \* \* \* \*

(2) Conformity of the proposed application to the [ State ] Statewide EMS development plan.

\* \* \* \* \*

(4) [ Source of other funds ] Funds available to the applicant for the purpose set forth in the application, including non-State contributions, Federal grants[ , ] or Federal contracts pertaining to EMS. Non-State contributions include cash and in-kind services provided to the contractor or toward the operation of an EMS system by private, public or government entities, including the Federal government.

\* \* \* \* \*

[ (b) The Department will set forth priorities for funding on a yearly basis in policies published by notice in the *Pennsylvania Bulletin*. ]

#### § 1001.24. Application for contract.

To be considered for funding by the Department to plan, initiate, maintain, expand or improve an EMS system, a regional EMS council or other appropriate entity shall submit an application on a form [ presented ] prepared by the Department[ , including, but not limited to, ] and shall provide the following information:

\* \* \* \* \*

#### § 1001.26. Restrictions on contracting.

(a) The Department will not contract, during the same term of contract, [ for the organization of ] with more than one regional EMS council [ which covers the same geographic area or a substantial ] to exercise responsibility for all or a portion of the same geographic area.

\* \* \* \* \*

#### § 1001.27. Subcontracting.

(a) A regional EMS council, which has received a contract from the Department, may receive the Department's written approval to subcontract certain of its contractual duties to other [ EMS ] entities as deemed necessary and appropriate for the proper execution of the contract with the Department.

\* \* \* \* \*

#### § 1001.28. Contracts with the Council

Sections 1001.22—1001.27 do not apply to contracts between the Department and the Council. The Department will contract with the Council to provide it funds to perform the services the Council

is required to perform under the act, and may contract with the Council for it to assist the Department in complying with other provisions of the act.

#### Subchapter C. COLLECTION OF DATA AND INFORMATION

#### § 1001.41. Data and information requirements for ambulance services.

(a) Ambulance services licensed to operate in this Commonwealth shall collect, maintain and report accurate and reliable patient data and information for calls for assistance [ in the format prescribed and on forms provided by the Department within a specified time period ]. The report shall be made by completing an ambulance call report.

(b) [ The information collected shall include, but not be limited to:

(1) Ambulance service affiliate number and vehicle identification number.

(2) Ambulance trip report number.

(3) Patient sex and age.

(4) Patient vital signs.

(5) Incident location.

(6) Type of incident.

(7) Classification of the call at time of dispatch as either emergency or nonemergency.

(8) Date of call.

(9) Times as follows:

(i) Time call received for dispatch of ambulance service.

(ii) Time of dispatch of responding ambulance.

(iii) Time of ambulance responding to incident scene.

(iv) Time of ambulance arrival at the scene.

(v) Time extrication was completed.

(vi) Time of ambulance departure from the scene.

(vii) Time of ambulance arrival at facility.

(viii) Time ambulance available for further service.

(10) Patient condition at the time emergency personnel arrived at the scene and arrived at the receiving facility.

(11) History of present illness or injury.

(12) Type of injury or illness.

(13) Anatomic site of injury or illness.

(14) Seriousness of patient illness or injury.

(15) Highest level of care rendered to the patient.

(16) Treatments, aids and medications given.

(17) Indication of mutual aid response.

(18) If mutual aid response, time of initial dispatch for the incident.

(19) Times medications or treatment, or both were rendered.

(20) Medical command: time, type and quality of transmission.

(21) Type of telecommunication utilized to notify receiving facility.

(22) Department identification number of medical command physician, when medical command is obtained.

(23) Each ambulance crew member's name, level of EMS training and Department ID number if assigned.

(24) Indication that CPR was in progress before arrival; for example, citizen, QRS, first responder, if applicable.

(25) Support services utilized; for example, rescue, fire, helicopter or coroner.

(26) Indication that QRS was utilized, if applicable.

(27) If utilized, the QRS's arrival time at the scene of the incident.

(28) Receiving facility and location.

(29) Documentation regarding refusal of care by patient.

(30) Documentation regarding a decision that emergency care and transportation were not needed.

(31) Information regarding patient seat belt usage, if pertinent and available. ] The Department will identify data items for the ambulance call report as either confidential or not confidential.

(c) [ No person or ambulance service may disseminate the information collected under this section except as provided in § 1001.42 (relating to dissemination of information). Licensed ] An ambulance [ services ] service shall [ provide to the Department evidence that ] store the information designated as confidential in secured areas to assure that access to unauthorized persons is prevented, and shall take other necessary measures to ensure that the information is maintained in a confidential manner and is not available for public inspection or dissemination, except as authorized by § 1001.42 (relating to dissemination of information). [ Ambulance services that fail to maintain confidentiality of information are subject to suspension, revocation or denial for license as provided for in Chapter 1005 (relating to licensing of BLS and ALS ambulance services). ]

(d) When an ambulance service transports a patient to a hospital, before its ambulance departs from the hospital, it shall provide to the individual at the hospital assuming responsibility for the patient, either verbally, or in writing or other means by which information is recorded, the patient information designated in the ambulance call report as essential for immediate transmission for patient care. Within 24 hours following the conclusion of its provision of services to the patient, the ambulance service shall complete the full ambulance call report and provide a copy or otherwise transmit the data to the receiving facility.

(e) The ambulance service shall have a policy for designating which member of the ambulance crew is responsible for completing the ambulance call report.

#### § 1001.42. Dissemination of information.

(a) [ No ] A person who collects, has access to, or knowledge of, confidential information collected under

§ 1001.41 (relating to data and information requirements for ambulance services), by virtue of that person's participation in the Statewide EMS system, may not provide the ambulance call report, or disclose the [ knowledge ] confidential information contained in the report or a report or record thereof, except:

\* \* \* \* \*

(2) To another person or agency under contract with or licensed by the Department and subject to strict supervision by the Department to insure that the use of the data is limited to specific research, planning [ and ], quality [ assurance ] improvement and complaint investigation purposes and that appropriate measures are taken to protect patient confidentiality.

\* \* \* \* \*

(5) For the purpose of quality [ assurance ] improvement activities, with strict attention to patient confidentiality.

\* \* \* \* \*

(b) [ A person or organization in the possession of patient identifying data or records, shall store the information in secured areas to assure that access to unauthorized persons is prohibited. ] The Department will regularly disseminate nonconfidential, statistical data collected from ambulance call reports to providers of EMS for improvement of services.

#### Subchapter D. QUALITY [ ASSURANCE ] IMPROVEMENT PROGRAM

#### § 1001.61. Components.

(a) The Department, in conjunction with the Council, will identify the necessary components for a Statewide EMS quality [ assurance ] improvement program for the Commonwealth's EMS system. The Statewide EMS quality improvement program shall be operated to monitor the delivery of EMS through the collection of data pertaining to emergency medical care provided by prehospital personnel and providers of EMS.

(b) The Department will develop, approve and update a Statewide EMS Quality Improvement Plan in which it will establish goals and reporting thresholds.

#### § 1001.62. Regional programs.

A regional EMS council, after considering input from participants in and persons served by the regional EMS system, shall develop and implement a regional EMS quality [ assurance ] improvement program to monitor the delivery of EMS, which addresses, at a minimum, the quality [ assurance ] improvement components identified by the Department. A regional EMS council quality improvement program shall:

(1) Conduct quality improvement audits on the regional EMS system including reviewing the quality improvement activities conducted by the ALS service medical directors and medical command facilities within the region.

(2) Have a regional quality improvement committee that shall recommend to the regional EMS council ways to improve the delivery of prehospital

EMS care within the region based upon State and regional goals and reporting requirements.

(3) Develop and implement a regional EMS quality improvement plan to assess the EMS system in the region.

(4) Investigate complaints concerning the quality of care rendered and forward recommendations and findings to the Department.

(5) Submit to the Department reports as prescribed by the Department.

§ 1001.63. [ Medical command facilities ] (Reserved).

[ A medical command facility accredited by the Department shall actively participate in quality assurance programs approved by the Department. ]

§ 1001.64. [ Ambulance services ] (Reserved).

[ An ambulance service licensed to operate in this Commonwealth shall actively participate in quality assurance programs approved by the Department. The quality assurance programs shall incorporate prehospital data summary information required by the Department. ]

§ 1001.65. Cooperation.

Each individual and entity licensed, certified, recognized, accredited or otherwise authorized by the Department to participate in the Statewide EMS system shall cooperate in the Statewide and regional EMS quality improvement programs, by providing data, reports and access to records as requested by the Department and regional EMS councils to monitor the delivery of EMS.

#### Subchapter E. TRAUMA CENTERS

§ 1001.81. Purpose.

The [ Department has the duty ] purpose of this subchapter is to integrate trauma centers into the Statewide EMS system, by providing access to trauma centers and by providing for the effective and appropriate utilization of resources.

§ 1001.82. Requirements.

To ensure that trauma centers are integrated into the Statewide EMS system, [ accredited ] trauma centers in this Commonwealth shall:

\* \* \* \* \*

(4) Maintain communications capabilities to allow for direct access by a transferring ground ambulance or [ helicopter ] air ambulance to insure that patient information and condition updates are available and medical consultation is available to the transferring service. The capabilities shall be in accordance with regional and Statewide EMS telecommunications plans.

#### Subchapter F. REQUIREMENTS FOR REGIONAL EMS COUNCILS AND THE COUNCIL

§ 1001.101. Governing body.

A regional EMS council and the Council shall have a governing body[ , whether a unit of local government or a public or private nonprofit entity. Responsibility for the contract will rest in the governing body ].

\* \* \* \* \*

§ 1001.102. [ Council director ] (Reserved).

[ The director shall:

(1) Prepare and annually update written policies and procedures.

(2) Assist the governing body in formulating policy and present the following to the governing body at least annually:

(i) Project goals and objectives which include time frames and available resources.

(ii) Written reports of project operations.

(iii) A performance report summarizing the progress towards meeting goals and objectives. ]

§ 1001.103. [ Personnel ] (Reserved).

[ The governing body shall:

(1) Adopt and implement written project personnel policies and procedures which include, but are not limited to:

(i) Recruitment, selection, promotion and termination of staff.

(ii) Utilization of volunteers.

(iii) Wage and salary administration.

(iv) Employee benefits.

(v) Working hours.

(vi) Vacation and sick leave.

(vii) Rules of conduct.

(viii) Disciplinary actions.

(ix) Supervision of staff.

(x) Work performance evaluations.

(xi) Employee accidents and safety.

(xii) Employee grievances.

(2) Adopt a written policy to implement and coordinate personnel management, which includes, but is not limited to, confidential maintenance of personnel records.

(3) Develop written policies and procedures to provide for ongoing staff development. Documentation includes, but is not limited to, an assessment of staff training needs and plans for addressing these needs.

(4) Maintain records on an employee which include, but are not limited to:

(i) An application for employment.

(ii) The results of reference investigations.

(iii) Verification of training experience and professional licensure or registration, if applicable.

(iv) Salary information.

(v) A work performance evaluation.

(vi) Disciplinary actions.

(5) Develop written policies on employee rights, and document efforts by the project to inform staff of the following:

(i) The employee's right to inspect his own records.



(ii) The employee's right to request the correction or removal of inaccurate, irrelevant, outdated or incomplete information from the records.

(iii) The employee's right to submit rebuttal data or memoranda to his own records.

(6) Develop written job descriptions or project positions which include but are not limited to:

(i) A job title.

(ii) Tasks and responsibilities of the job.

(iii) Prerequisite skills, knowledge and experience. ]

#### Subchapter G. ADDITIONAL REQUIREMENTS FOR REGIONAL EMS COUNCILS

##### § 1001.121. Designation of regional EMS councils.

(a) The Department will designate [ an ] a regional EMS council that satisfies the representation requirements in § 1001.125 (relating to requirements) for each geographic area of this Commonwealth.

\* \* \* \* \*

(c) The Department will evaluate the performance and effectiveness of each regional EMS council on a periodic basis to assure that each council is appropriately meeting the needs of its region in planning, developing, maintaining, expanding, improving and upgrading the [ emergency medical services ] EMS system in its region.

##### § 1001.123. Responsibilities.

[ The ] In addition to other responsibilities imposed upon regional EMS councils by this part, regional EMS councils have responsibility for the following:

(1) Organizing, maintaining, implementing, expanding and improving the EMS system within the [ identified ] geographic area [ of ] for which the regional EMS council has assigned responsibilities.

(2) Developing and implementing comprehensive EMS plans, as approved by the Department. [ The plans are subject to approval by the Department and shall include the designation of primary response areas. ]

(3) Advising PSAPs, and municipal and county governments, as to EMS resources available for dispatching and recommended dispatching criteria that may be developed by the Department, or by the regional EMS council as approved by the Department.

[ (3) ] (4) Developing, maintaining, implementing, expanding and improving programs of medical [ control and accountability ] coordination. The programs are subject to approval by the Department.

[ (4) ] (5) \*\*\*

[ (5) ] (6) \*\*\*

[ (6) ] (7) \*\*\*

[ (7) ] (8) Providing [ licensed ] ambulance services with data summary reports.

[ (8) ] Preparing plans for implementing, expanding, improving and maintaining EMS systems in the area. The plan shall contain information as prescribed by the Secretary.

(9) Carrying out, to the extent feasible, the EMS system plans.

(10) ] (9) Assuring the reasonable availability of training programs, including continuing education programs, for EMS personnel. The programs shall include those that lead to certification or recognition by the Department. Regional EMS councils may also develop and implement additional educational programs.

[ (11) ] (10) Monitoring medical command facilities and [ medical control and accountability of ] prehospital [ emergency ] personnel [ for ] compliance with minimum standards established by the Department, and ambulance service medical director and medical command physician medical control of prehospital personnel.

[ (12) ] Developing processes and procedures for [ (11) ] Facilitating the integration of medical command facilities into the regional EMS system in accordance with policies and guidelines established by the Department.

[ (13) ] Determining system needs and recommending the allocation of resources based upon this need assessment. Guidelines for needs assessment will be provided by the Department and shall be consistent with the State EMS plan.

(14) Establishing and implementing criteria for the evaluation or referral of acutely ill and injured persons for transport to the most appropriate facilities in accordance with policies, guidelines and criteria established by the Department. The criteria shall address the treatment and transfer of trauma, cardiac, spinal cord, poison, burns, neonatal and behavioral patients. Facilities in the region may participate on a voluntary basis in the categorization process established by the Department.

(15) ] (12) Developing and implementing regional protocols for the triage, treatment, transport and transfer of patients to the most appropriate facility. Protocols shall be developed [ by the ] in consultation with the regional EMS council's medical advisory [ and facilities committees ] committee and approved by the [ Secretary or a designee ] Department. Protocols shall, at a minimum:

(i) Include a method of identifying patients requiring specialized medical care, utilizing measurable criteria to identify patient referral[ , including, but not limited to, the seven critical care groups identified in paragraph (14). The Department will provide guidelines for recommended protocols ].

(ii) Be based upon the specialty care capabilities of the receiving facilities and available [ prehospital ] providers of EMS [ providers, ] prehospital personnel, local geodemographic considerations and transport time considerations.

\* \* \* \* \*

(iv) Be reviewed annually, and revised as necessary in consultation with the regional EMS council's [ regional ] medical advisory committee.

(v) Be consistent with Chapter 1003 (relating to personnel) which governs the scope of practice of [ emer-

gency medical technicians, paramedics, ] EMTs, EMT-paramedics and other prehospital [ EMS ] personnel.

\* \* \* \* \*

(vii) [ Prohibit patient transfer unless it is for medical necessity or upon request of the patient. ] Address patient choice regarding receiving facility.

[ (viii) Require written transfer agreements between appropriate facilities.

(ix) ] (viii) Set forth a procedure for the efficient transfer of patients. When appropriate, these regional protocols shall be developed in consultation with specialty care facilities in the region. [ The transfer protocols shall contain the following requirements:

(A) The process of transferring patients from one facility to another shall be carried out as expeditiously as possible.

(B) The receiving facility shall have at least one staff person available 24 hours a day, 7 days a week, who, without consultation from other personnel, has the authority to approve or disapprove transfers.

(C) If the facility is designated as a critical care specialty receiving hospital and that hospital disapproves a transfer from another facility, that hospital shall participate in a backup network which will identify another available receiving facility.

(D) Providers involved in a transfer shall insure that necessary patient information and records will accompany the patient. Prehospital and interhospital personnel shall be advised of patient care needs during the transfer. Hospital personnel accompanying the patient shall be familiar with the ambulance and hospital equipment accompanying the patient, and capable of operating the equipment for appropriate administration of care to the patient.

(16) Developing a program to assess the quality of EMS system in its region and investigating complaints concerning the quality of care rendered and forwarding recommendations and findings to the Department in regard to each complaint investigated. Complaint investigations shall be conducted in accordance with administrative rules and procedures and written documentation of facts and findings shall be provided the Department. Quality assurance programs implemented by regional EMS councils shall be consistent with guidelines prescribed by the Department.

(17) Developing a review process for investigating complaints received by either the council or the Department concerning care rendered by prehospital personnel or providers.

(18) ] (13) Assisting Federal, State or local agencies, upon request, in the provision of onsite mitigation, technical assistance, situation assessment, coordination of functions or postincident evaluations, in the event of a potential or actual disaster, mass casualty situation or other substantial threat to public health.

[ (19) ] (14) Maintaining an [ EMS resource ] inventory of EMS resources and personnel available on a volunteer basis as conditions and circumstances require.

Recruitment of volunteer expertise available shall be requested when needed.

[ (20) ] (15) Designating a regional medical director [ subject to approval by the Department.

(21) ] (16) \*\*\*

(17) Assisting prehospital personnel and ambulance services operating in the regional EMS system to meet the licensure, certification, recertification, recognition, biennial registration and continuing education requirements established under the act and this part, and assisting the Department in ensuring that those requirements are met.

(18) Apprising medical command facilities and ALS ambulance services in the region when an EMT-paramedic or prehospital registered nurse has had medical command authorization removed by an ALS ambulance service in the region.

(19) Developing a conflict of interest policy and requiring all employees and officials to agree to the policy in writing.

[ (22) ] (20) \*\*\*

#### § 1001.124. Composition.

Regional EMS councils shall be organized by one of the following:

\* \* \* \* \*

#### § 1001.125. Requirements.

(a) If the regional EMS council is a unit of local government, it shall have an advisory council which is [ broadly representative of EMS providers, public safety agencies, health care facilities, consumers and elected public officials ] deemed by the Department to be representative of health care consumers, the health professions, and major private and public and voluntary agencies, organizations and institutions concerned with providing EMS.

(b) If the regional EMS council is a public or private nonprofit organization, its governing body shall [ be representative of the following:

(1) EMS providers.

(2) Public safety agencies.

(3) Health care facilities.

(4) Consumers.

(5) Elected public officials ] satisfy the representation requirements in subsection (a).

\* \* \* \* \*

(d) The regional [ /State ] medical advisory committee shall assist the regional EMS council's medical director in matters of medical [ control and a majority of its members shall be physicians ] coordination.

\* \* \* \* \*

### Subchapter H. ADDITIONAL REQUIREMENTS FOR THE COUNCIL

#### § 1001.141. Duties and purpose.

The Council shall advise the Department on emergency health services issues that relate to manpower and training, communications, ambulance services, special care units, the content of ambulance call reports, the content of rules and regulations, standards and policies

promulgated by the Department and other subjects **as required by the act** or deemed appropriate by the Department **or the Council**. The Council shall also advise the Department on the content of the Statewide EMS development plan, and proposed revisions to it.

**Subchapter I. RESEARCH IN PREHOSPITAL CARE**  
**§ 1001.161. Research.**

(a) **[ Proposals for clinical ]** Clinical investigations or studies that relate to direct patient care **[ shall be ]** **may not be conducted by providers of EMS unless the investigation or study is proposed to and approved by the Department. [ An investigation or study may not be undertaken unless approved. ]**

(b) A proposal for clinical investigation or study shall be presented to the **[ regional medical director, the medical advisory committee of the regional EMS council, the medical advisory committee of the Council and the Commonwealth Emergency Medical Director for review and comment. Recommendations shall be forwarded to the Department within 60 days from the date the proposal is submitted ]** Department. If the Department concludes that the proposal may have merit, it will refer the proposal to the Council, and to the regional EMS council having responsibilities in the region where the investigation or study would be undertaken. The Council and the regional EMS council shall have the proposal reviewed by their medical advisory committees and consider the comments of those committees, and shall forward their recommendations to the Department within 60 days after receiving the proposal from the Department.

(c) **The Department will approve or disapprove the proposal within 30 days after receiving the recommendations of the Council and the regional EMS council.** If the proposal is approved, the **[ EMS ]** prehospital personnel identified in the proposal may function in accordance with the proposal and under conditions specified by the Department during the term of the clinical investigation or study.

(d) A proposal shall include and address the following considerations and items **in a format specified by the Department:**

\* \* \* \* \*

(7) **[ A letter approving the investigation from the appropriate regional EMS council. ]** Institutional review board approval when required by law.

\* \* \* \* \*

(10) A plan for providing the Department with progress reports and a final report on the investigation or study.

(e) The Department may direct that the investigation or study be terminated prematurely for its failure to satisfy conditions of approval.

**CHAPTER 1003. PERSONNEL**

**Subchapter A. ADMINISTRATIVE AND SUPERVISORY EMS PERSONNEL**

**§ 1003.1. Commonwealth Emergency Medical Director.**

(a) *Roles and responsibilities.* The Commonwealth Emergency Medical Director is responsible for the following:

\* \* \* \* \*

(2) Assisting in the development and implementation of a Statewide EMS quality **[ assurance ]** improvement program.

\* \* \* \* \*

(5) Reviewing and evaluating regional **transfer and medical treatment** protocols and making recommendations for the Statewide **[ medical protocols ]** **BLS medical treatment protocols and Statewide criteria for the evaluation, triage, treatment, transport, transfer and referral, including bypass protocols of acutely ill and injured persons to the most appropriate facility.**

(6) Evaluating regional EMS quality **[ assurance ]** improvement programs.

(7) Providing direction and guidance to the regional EMS medical directors for training and quality **[ assurance activities ]** **improvement monitoring and assistance.**

(8) Meeting with **[ directors ]** **representatives and committees** of regional EMS councils and the Council as necessary and as directed by the Department to provide guidance and direction.

\* \* \* \* \*

(b) *Equivalent qualifications.* If the Commonwealth Emergency Medical Director is not a medical command physician, the Commonwealth Emergency Medical Director shall possess the following qualifications:

\* \* \* \* \*

(3) Knowledge regarding the base station **[ radio ]** direction of prehospital personnel and the operation of emergency dispatch.

\* \* \* \* \*

(c) *Disclosure.* The Commonwealth Emergency Medical Director shall disclose to the Department all financial **or other** interest in providers of EMS and in other matters which present a potential conflict of interest.

**§ 1003.2. Regional EMS medical director.**

(a) *Roles and responsibilities.* Each regional EMS council shall have a regional EMS medical director who shall carry out the following duties:

(1) **[ Approve ]** **Assist the regional EMS council to approve or reject** applications for medical command physicians received from medical command facility medical directors.

\* \* \* \* \*

(3) **[ Establish and review system-wide medical protocols in ]** **Assist the regional EMS council, after consultation with the regional medical advisory committee [ and regional EMS council ], to establish and revise transfer and medical treatment protocols for the regional EMS system.**

**[ (4) Assist the Department in ensuring that personnel in the EMS system meet the certification, recertification, recognition, biennial registration and continuing education requirements established under the act.**

(5) **Establish standards for EMS dispatch to assure that the an appropriate response unit is dis-**

patched to the medical emergency scene and that proper patient evaluation is conducted.

(6) (4) [Establish] Assist the regional EMS council to establish field treatment protocols for determining when a patient will not be transported to a treatment facility and establish procedures for documenting the reasons for a nontransport decision.

(7) (5) [Establish] Assist the regional EMS council to establish field protocols to govern situations in which a patient may be transported without consent, in accordance with Pennsylvania law. The protocols shall cover appropriate documentation and review procedures.

(8) (6) [Establish] Assist the regional EMS council to establish criteria for level of care and type of transportation to be provided in various medical emergencies, such as ALS versus BLS, and ground versus air [specialty unit transportation] ambulance, and distribute approved criteria to PSAPs.

(9) Establish operation standards for medical command facilities.

(10) (7) Conduct quality [assurance] improvement audits of the regional EMS system including reviewing the quality [assurance] improvement activities conducted by the ALS service medical directors within the region.

(11) (8) Serve on the State EMS Quality [Assurance] Improvement Committee.

(12) (9) \*\*\*

(13) (10) Facilitate [and assure] continuity of patient care during inter-regional transport.

(14) (11) Recommend to the Department suspension [or], revocation or restriction of prehospital personnel certifications and recognitions.

(15) (12) \*\*\*

(16) (13) \*\*\*

(17) Delegate portions of his authority to other qualified physicians.

(18) Meet with the ALS service medical directors within the region as necessary to disseminate information regarding State statutes, regulations, policies and direction.]

(b) *Minimum qualifications.*

(1) A regional EMS council medical director shall have the following qualifications:

(i) [A valid license to practice medicine in this Commonwealth as a doctor of medicine or doctor of osteopathy] Licensure as a physician.

\* \* \* \* \*

(iii) Experience in base station [radio] direction of prehospital emergency units.

\* \* \* \* \*

(2) The [Secretary] Department may waive the board certification requirement upon written request by the regional EMS council.

(c) [Medical advisory committee. Each regional EMS council shall have a medical advisory committee to provide the council medical director with

advice on issues relevant to the areawide EMS system.] *Disclosure.* A regional EMS medical director shall disclose to a regional EMS council all financial or other interest in providers of EMS and in other matters which present a potential conflict of interest.

§ 1003.3. Medical command facility medical director.

(a) *Roles and responsibilities.* A medical command facility shall have a medical command facility medical director. A medical command facility medical director is responsible for the following:

\* \* \* \* \*

(2) Quality [assurance] improvement.

\* \* \* \* \*

(5) Clinical and continuing education training of prehospital [emergency care] personnel.

(6) Recommendations to the regional EMS medical director regarding medical command physician applications from [his institution] the medical command facility.

(b) *Minimum qualifications.*

(1) A medical command facility medical director shall have the following qualifications:

\* \* \* \* \*

(ii) Board certification in emergency medicine or, [in lieu of this, current ACLS and ATLS certification] have successfully completed the ACLS course within the preceding 2 years and the ATLS course, and either an APLS or PALS course, or other programs determined by the Department to meet or exceed the standards of those programs, along with board certification in surgery, internal medicine, family medicine, pediatrics or anesthesiology.

\* \* \* \* \*

(iv) Experience in base station [radio] direction of prehospital emergency units.

(v) Experience in the training of [basic] BLS and [advanced prehospital emergency health] ALS prehospital personnel.

\* \* \* \* \*

(2) The [Secretary] Department may waive the board certification requirement upon written request by the regional EMS council.

§ 1003.4. Medical command physician.

(a) *Roles and responsibilities.* A medical command physician shall [carry out the following duties:

(1) Provide ] provide medical command to prehospital [emergency health] personnel.

[ (2) Assist with the duties of medical control ] This includes providing online medical command to prehospital personnel whenever they seek direction.

(b) *Minimum qualifications.* A medical command physician shall:

(1) [ Hold a valid license to practice in this Commonwealth as a Doctor of Medicine or Doctor of Osteopathy ] Be a physician.

(2) Be board certified in emergency medicine or [ , in lieu of this, be certified in ATLS and ] have successfully completed the ACLS course within the preceding 2 years and the ATLS course, and either an APLS or PALS course, or other programs determined by the Department to meet or exceed the standards of those programs.

(3) [ Complete ] Have completed the [ American Medical Association's (AMA's) Continuing Medical Education Credits ] continuing medical education credits required for membership in the American Medical Association, or its equivalent, or be serving a [ postgraduate ] post year III in an approved residency program in emergency medicine or a [ postgraduate ] post graduate year II in an approved residency program in emergency medicine with concurrent [ on-line ] online supervision by an approved medical command physician.

\* \* \* \* \*

(6) [ Complete base station in medical, command course within 2 years of the adoption of a course by the Department ] Have completed the Medical Command Base Station Course.

[ (7) Be approved by the regional EMS medical director. ]

**(c) Approval of medical command physician.**

(1) A physician may function as a medical command physician if approved to do so by a regional EMS council.

(2) A regional EMS council shall approve a physician as a medical command physician if the physician demonstrates that the physician will function under the auspices of a medical command facility and establishes one of the following:

(i) That the physician satisfies the qualifications for a medical command physician in subsection (b).

(ii) That the physician has received certification as a medical command physician from the Department upon successfully completing the voluntary medical command physician certification program administered by the Department.

(3) A regional EMS council shall conclude that the physician will be operating under the auspices of a medical command facility if the physician establishes one of the following:

(i) That the facility meets the requirements for a medical command facility prescribed in § 1009.1 (relating to operational criteria).

(ii) That the facility has received recognition as a medical command facility from the Department under § 1009.2 (relating to recognition process).

**(d) Notice requirements.**

(1) A medical command facility shall give notice to each regional EMS council having responsibility for an EMS region in which the medical command facility anticipates medical command physicians functioning under its auspices will be providing medical command, and shall explain the circumstances under which medical command will be given in that region.

(2) A regional EMS council that has approved a physician as a medical command physician shall give notice of the approval to the Department.

(e) *Transfer and medical treatment protocols.* A medical command physician shall provide medical command to prehospital personnel in ground ambulances and QRSs consistent with the transfer and medical treatment protocols which are in effect in either the region in which treatment originates or the region in which the prehospital personnel begin receiving online medical command from the medical command physician.

**§ 1003.5. ALS service medical director.**

(a) *Roles and responsibilities.* An ALS service medical director is responsible for the following:

(1) Providing medical guidance and advice to the ALS ambulance service [ . ], including:

(i) Reviewing the Statewide BLS medical treatment protocols and the regional transfer and medical treatment protocols, and ensuring that the ALS ambulance service's prehospital personnel are familiar with them, and amendments and revisions thereto.

(ii) Providing guidance to the ALS ambulance with respect to the ordering, stocking and replacement of drugs, and compliance with laws and regulations impacting upon the ALS ambulance service's acquisition, storage and use of those drugs.

(iii) Participating in the regional and Statewide quality improvement plans, including continuous quality improvement reviews of patient care and its interaction with the regional EMS system.

(iv) Recommending to the relevant regional EMS council, when appropriate, specific transfer and medical treatment protocols for inclusion in the regional transfer and medical treatment protocols.

(2) Granting [ or ], denying or restricting medical command authorization to members of the ALS ambulance service's prehospital personnel who require this authorization, and participating in appeals from decisions to deny or restrict medical command authorization in accordance with [ § 1003.29 ] § 1003.28 (relating to medical command authorization).

\* \* \* \* \*

(b) *Equivalent qualifications.* If the ALS service medical director is not a medical command physician, the ALS service medical director shall:

\* \* \* \* \*

(2) Have experience in the base station [ radio ] direction of prehospital personnel [ and the operation of emergency dispatch ].

\* \* \* \* \*

(5) Successfully complete [Parts A and B of] the Medical Command Base Station Course [adopted by the Department].

Subchapter B. PREHOSPITAL [EMS] AND  
OTHER PERSONNEL

§ 1003.21. Ambulance attendant.

(a) *Roles and responsibilities.* [Attendants provide first aid in accordance with the American Red Cross First Aid standards and provide CPR in accordance with American Heart Association standards.] An ambulance attendant, as part of the crew of an ambulance or a QRS, may perform BLS activities within the ambulance attendant's scope of practice, as set forth in subsection (c), at the scene of an emergency or enroute to a facility. This section does not prohibit an ambulance attendant from providing BLS services as a good Samaritan.

(b) [Minimum qualifications.] *Qualifications.* [Ambulance attendants] To qualify as an ambulance attendant an individual shall satisfy one of the following:

(1) Possess a [valid] current certificate evidencing successful completion of an advanced first aid course sponsored by the American Red Cross [or another advanced first aid course approved by the Department] and a certificate issued within the last 2 years evidencing successful completion of a CPR course.

(2) Possess a [valid CPR certification] current certificate evidencing successful completion of a course determined by the Department to be equivalent to the requirements in paragraph (1).

[ (3) Be at least 16 years of age. ]

(c) *Scope of practice.* An ambulance attendant shall have the authority to provide the following BLS services if trained to do so:

(1) Patient assessment—including vital signs—and ongoing evaluation.

(2) Pulmonary or cardiopulmonary resuscitation and foreign body airway obstruction management.

(3) Administration of oxygen by means of a resuscitation mask, nasal cannula, nonrebreather mask and bag valve mask.

(4) Insertion of oropharyngeal or nasopharyngeal airways.

(5) Oropharyngeal suctioning

(6) Assessment and management of cardiac, respiratory, diabetic shock, behavioral and heat/cold emergencies, as prescribed within an advanced first aid course meeting the requirements in subsection (b)(1) or (2).

(7) Emergency treatment for bleeding, burns, poisoning, seizures, soft tissue injuries, chest-abdominal-pelvic injuries, muscle and bone injuries, eye injuries and childbirth (including care of the newborn), as prescribed within an advanced first aid course meeting the requirements in subsection (b)(1) or (2).

(8) Application of spinal immobilization devices and splinting materials, including traction splints.

(9) Basic triage and basic maneuvers to gain access to the patient.

(10) Patient lifting and moving techniques.

(11) Use of an automated external defibrillator when approved by the medical director of the ambulance service.

(12) Assist a prehospital practitioner who is above the level of first responder in the use of Department-approved automatic ventilators and pulse oximetry when approved by the medical director of the ambulance service.

(13) Other BLS services taught in a course in advanced first aid sponsored by the American Red Cross, if the ambulance attendant has received training to perform those services in the course or in an equivalent training program approved by the Department, and is able to document having received the training. The Department will publish in the *Pennsylvania Bulletin*, at least annually, a list of the skills and services taught in the most recent course in advanced first aid sponsored by the American Red Cross. If the course sponsored by the American Red Cross teaches services in addition to advanced first aid, the Department will exclude those services from the published list.

§ 1003.22. First responder.

(a) *Roles and responsibilities.* A first responder may perform, at the scene of an emergency, enroute to a facility [or trauma center], or in an emergency setting in a facility, the BLS services [set forth] in subsection (e) to stabilize and improve a patient's condition until more highly trained [prehospital] personnel arrive [at the scene]. Following the arrival of more highly trained [prehospital] personnel, a first responder may continue to perform the BLS services within a first responder's scope of practice as set forth in subsection (e) under the direction of more highly trained [prehospital] personnel. This section does not prohibit a first responder from providing BLS services as a Good Samaritan.

(b) *Certification.*

(1) The Department will certify as a first responder an individual who meets the following qualifications:

\* \* \* \* \*

(iii) Has successfully completed a first responder training course approved by the Department. The Department will publish annually in the *Pennsylvania Bulletin* a list of courses leading to first responder certification.

(iv) Has passed a written examination for first responder certification prescribed by the Department, or has passed an examination which the Department has determined to be equivalent in both content and manner of administration.

(v) Has passed a practical test of first responder skills prescribed by the Department, or has passed an examination which the Department has determined to be equivalent in both content and manner of administration.

(2) A first responder's certification is valid for 3 years, subject to disciplinary action under section 11(j.1) of the

act (35 P.S. § 6931(j.1)) and § 1003.27 (relating to disciplinary and corrective action). [An individual who received certification as a first responder under the voluntary first responder certification program in existence prior to September 2, 1995, will be deemed certified. The certification is valid for 3 years from the date the certification was issued. Following expiration of the deemed certification, the recertification requirements set forth in subsection (c) apply.]

(c) *Recertification.* A first responder shall apply for recertification between 1 year and 60 days prior to expiration of the first responder's certification from the Department. Failure to apply for recertification in a timely manner may result in the individual not being recertified before the prior certification expires. The Department will recertify as a first responder an individual who meets the following qualifications:

\* \* \* \* \*

(3) [Successfully completes] Has successfully completed one of the following:

\* \* \* \* \*

(d) [Reciprocal certification] Certification by endorsement.

(1) [The Department will grant first responder certification to an individual who is currently certified as a first responder in another state who meets the following qualifications:] For an individual who is 16 years of age or older and who is currently certified in another state as a first responder or as a person with similar responsibilities, the Department will endorse the following qualifications as equivalent to those in subsection (b):

(i) [Completes an application on a form prescribed by the Department] Successful completion of training curriculum which meets or exceeds the standards for the training course prescribed by the Department in subsection (b)(1)(iii).

(ii) [Is 16 years of age or older.] Successful completion of a written examination for first responder certification, or an equivalent certification, which is determined by the Department to meet or exceed the standards of the written examination prescribed by the Department under subsection (b)(1)(iv).

(iii) [Can demonstrate successful completion of a first responder training curriculum which is recognized by the Department as meeting or exceeding standards for the curriculum in the first responder training course approved by the Department, within the 2 years preceding submission of the application, or, in the alternative, successfully completes the Pennsylvania first responder training course approved by the Department.] Successful completion of a practical skills examination for first responder certification, or an equivalent certification, which is determined by the Department to meet or exceed the standards of the practical skills examination prescribed by the Department under subsection (b)(1)(v).

[iv] Has successfully completed written and practical certification examinations recognized by

the Department as meeting or exceeding the standards of the examinations prescribed by the Department.]

(2) An individual whose first responder certification or equivalent certification in another state is expired at the time of application may seek to have the satisfaction of paragraph (1)(i) endorsed as equivalent to the satisfaction of subsection (b)(1)(iii), but will [meet the requirements in paragraph (1)(i)—(iii)] not be considered by the Department for endorsement of qualifications under paragraph (1)(ii) or (iii), and shall successfully complete the first responder practical skills and written knowledge [examination] examinations prescribed by the Department after applying for certification through examination.

(3) [Reciprocal certification] Certification under this subsection is valid for 3 years. Upon expiration of [reciprocal] that certification, the individual [to whom the Department granted reciprocal certification] shall meet the requirements for recertification in subsection (c).

(e) *Scope of practice.* (1) A first [responder shall have authority to provide the following BLS services:] responder's scope of practice includes the BLS services which may be performed by an ambulance attendant as set forth in § 1003.21(c) (relating to ambulance attendant), if the first responder has been trained to perform those services.

[ (1) Patient assessment and evaluation.

(2) Pulmonary or cardiopulmonary resuscitation.

(3) Administration of oxygen via an oxygen mask, nasal cannula, a bag valve mask or a manually operated positive valve unit.

(4) Application of oropharyngeal or nasopharyngeal airways and pocket masks.

(5) Oropharyngeal or nasopharyngeal suctioning.

(6) Emergency medical treatment prescribed within the first responder training program for bleeding, shock, burns, heat and cold emergencies, poisoning, fractures and childbirth.

(7) Use of an automatic external defibrillator, when the use is approved by the regional EMS council in accordance with criteria established by the Department.

(8) Use of spinal immobilization devices.

(9) Use of Department approved automatic ventilators and pulse oximetry when approved by the medical director for the ambulance service after appropriate training.

(10) Other BLS services authorized by Department-approved regional EMS council transfer and medical treatment protocols or under medical command.]

(2) A first responder's scope of practice also includes other BLS services taught in a first responder training course approved by the Department, if the first responder has received training to perform those services in the course, in a course which is determined by the Department to meet or exceed the standards of a first responder training course preapproved by the Department, or in a course for which a first responder may receive

continuing education credit towards recertification, and is able to document having received the training.

(3) The Department will publish in the *Pennsylvania Bulletin*, at least annually, a list of the services taught in first responder training courses most recently approved by the Department.

(4) If the approved course is not offered by the Department, the Department may exclude from the published list, services taught which the Department determines are not appropriate services to be performed by a first responder.

#### § 1003.23. EMT.

##### (a) *Roles and responsibilities.*

[ (1) The scope of practice of an EMT includes the BLS services which may be performed by a first responder under § 1003.22(e) (relating to first responder) and other BLS services involved in the rescue, triage and transfer and transport of emergency and nonemergency patients, under section 11(e) of the act (35 P. S. § 6931(e)) and in accordance with the Department of Transportation EMT National Standard Curriculum, and amendments and revisions thereto.

(2) An EMT's scope of practice shall be limited to the activities listed in paragraph (1), except if the Secretary authorizes an EMT to perform additional activities. ]

An EMT may perform, in a prehospital, interhospital or emergency care setting in a hospital, or during the transfer of convalescent or other nonemergency cases, the BLS services set forth in subsection (e), to prevent loss of life or aggravation of physiological or psychological illness or injury. This section does not prohibit an EMT from providing BLS services as a good Samaritan.

##### (b) *Certification.*

(1) [ To qualify for EMT certification, an individual shall: ] The Department will certify as an EMT an individual who meets the following qualifications:

(i) [ Successfully complete a basic EMT training course approved by the Department ] Completes an application on a form prescribed by the Department.

(ii) [ Successfully complete an EMT practical skills examination developed by the Department and administered by the Department ] Is 16 years of age or older.

(iii) [ Successfully complete a written EMT examination developed by the Department and administered by the Department ] Has successfully completed an EMT training course approved by the Department.

(iv) [ Possess current CPR certification ] Has successfully completed a written EMT examination prescribed by the Department.

(v) [ Be at least 16 years of age or older ] Has successfully completed an EMT practical skills examination prescribed by the Department.

(2) The Department will **also** certify as an EMT an individual who completes an application on a form prescribed by the Department and who has one of the following:

\* \* \* \* \*

(c) [ *Reciprocal certification* ] *Certification by endorsement.*

(1) [ An individual who possesses EMT certification from another state may qualify for reciprocal certification as an EMT in this Commonwealth. Applications shall be submitted to the regional EMS councils. The Department has the authority to make the final decision on the applications.

(2) Reciprocal certification may be granted to EMTs from states that the Department has formal reciprocity agreements with if:

(i) The applicant is currently certified or licensed in a state with reciprocity agreements with the Commonwealth.

(ii) The applicant successfully completed written and practical exams within 2 1/2 years of application.

(iii) The current certification has an expiration date of more than 6 months from date of application.

(iv) If the current certification remaining is less than 6 months, the applicant shall successfully complete written and practical Pennsylvania EMS certification exams.

(v) The applicant completes the student registration form and a request for reciprocity form provided by the Department. The applicant shall attach a copy of incoming State certification or license to the request for reciprocity form.

(3) Certification may be granted to applicants with certification or National registry from states without formal reciprocity agreements if:

(i) The applicant is currently certified or licensed as an EMT.

(ii) The applicant provides written verification of completion of an EMT-NSC National Standard Curriculum Course.

(iii) The applicant successfully completes Pennsylvania written and practical certification exams.

(iv) The current certification has an expiration date of more than 6 months from date of application.

(4) EMT certification may be granted to applicants currently certified by the military, if:

(i) The applicant provides written verification of successful completion of an EMT-NSC course.

(ii) The applicant successfully completes Pennsylvania written and practical certification exams.

(iii) Current certification has an expiration date of more than 6 months from date of application.

(5) Reciprocal certification may be granted with an expiration date of 3 years from the date the certification was issued by the incoming state.

(6) Pennsylvania residents who have been granted reciprocity in this Commonwealth and cur-



rently need recertification shall take the Department's practical and written certification examinations. ]

For an individual who is 16 years of age or older and currently certified as an EMT in another state, the Department will endorse the following qualifications as equivalent to those in subsection (b):

(i) Successful completion of EMT training curriculum that meets or exceeds the standards of the training course prescribed by the Department under subsection (b)(1)(iii).

(ii) Successful completion of a written examination for EMT certification which is determined by the Department to meet or exceed the standards of the written examination prescribed by the Department under subsection (b)(1)(iv).

(iii) Successful completion of a practical skills examination for EMT certification which is determined by the Department to meet or exceed the standards of the practical skills examination prescribed by the Department under subsection (b)(1)(v).

(2) An individual whose EMT certification in another state is expired at the time of application may seek to have the satisfaction of paragraph (1)(i) endorsed as equivalent to the satisfaction of subsection (b)(1)(iii), but will not be considered by the Department for endorsement of qualifications under paragraph (1)(ii) or (iii), and shall successfully complete the EMT practical skills and written examinations prescribed by the Department after applying for certification through examination.

(3) Certification under this subsection is valid for 3 years. Upon expiration of that certification the individual shall meet the requirements for recertification in subsection (d).

(d) *Recertification.* An EMT shall apply for recertification between 1 year and 60 days prior to expiration of the EMT's certification from the Department. Failure to apply for recertification in a timely manner may result in the individual not being recertified before the prior certification expires. The Department will recertify as an EMT an individual who meets the following qualifications:

\* \* \* \* \*

(3) [ Files with the Department proof of successful completion of ] has successfully completed one of the following:

\* \* \* \* \*

(e) [ *EMT instructor certification* ] *Scope of practice.*

[ (1) To qualify for EMT instructor certification an individual shall:

(i) Be 18 years of age or older.

(ii) Successfully complete an EMT instructor course as provided by the Department or possess at least a bachelor's degree or teacher's certification in secondary education.

(iii) Possess current certification as an EMT or EMT-paramedic.

(iv) Possess current certification in CPR.

(v) Possess a minimum of 1 year's experience functioning at the EMT or EMT-paramedic level providing prehospital care.

(vi) Possess demonstrated competence in teaching the didactic and practical skills portions of the curriculum. The Department is responsible for assessing an instructor's competence.

(vii) Possess recommendations from the regional EMS council and an approved training institute that the individual be certified as an instructor.

(2) EMT instructor certification shall expire concurrently with the individual's EMT or EMT-paramedic certification. ]

An EMT's scope of practice, under medical command direction or utilization of the Statewide BLS medical treatment protocols, includes the BLS services which may be performed by a first responder as set forth in § 1003.22(e) (relating to first responder) and the following:

(1) Administration to a patient or assisting a patient to administer drugs previously prescribed for that patient, as specified in the Statewide BLS medical treatment protocols.

(2) Transportation of a patient with an indwelling intravenous catheter without medication running.

(3) Other BLS services taught in a basic training program for EMTs approved by the Department, if the EMT has received training to perform those services in such a course, in a course which is determined by the Department to meet or exceed the standards of a training program for EMTs preapproved by the Department, or in a course for which an EMT may receive continuing education credit towards recertification, and is able to document this training. The Department will publish in the *Pennsylvania Bulletin*, at least annually, a list of the services in the most recent basic training program for EMTs approved by the Department. If the approved course is not offered by the Department, the Department may exclude from the published list, services taught which the Department determines are not appropriate services to be performed by an EMT.

[ (f) *Instructor recertification*

(1) To qualify for recertification as an EMT instructor, an individual shall:

(i) Receive favorable ratings from the Department during annual reviews of the instructor under actual classroom conditions.

(ii) Provide documentation to the Department that the instructor did a minimum of 20 hours of teaching per year.

(iii) Possess current certification as an EMT or an EMT-paramedic.

(iv) Possess current certification in CPR.

(v) Possess recommendations for recertification from the regional EMS council and an approved training institute.

(vi) Complete additional continuing education requirements established and approved by the Department.

(2) EMT instructor recertification shall expire concurrently with the individual's EMT or EMT-paramedic recertification. ]

**§ 1003.23a. EMS instructor certification.**

(a) *Qualifications for certification.* The Department will issue an EMS instructor certification to an individual who meets the following requirements:

(1) Has completed an application for EMS instructor certification on a form prescribed by the Department.

(2) Is 18 years of age or older.

(3) Has successfully completed an EMS instructor course approved by the Department, or possesses a bachelor's degree in education or a teacher's certification in education.

(4) Has successfully completed an EMT-Basic transition program or update, or has completed an EMT-Basic course.

(5) Possesses current certification as an EMT or EMT-paramedic, or recognition as a health professional.

(6) Possesses current certification in CPR.

(7) Possesses at least 1 year experience functioning at the EMT, EMT-paramedic or health professional level providing prehospital care.

(b) *Renewal of instructor certification.* An EMS instructor certification is valid for 3 years. The Department will renew an EMS instructor certification for an individual who meets the following requirements:

(1) Has completed an application for renewal of an EMS instructor certification on a form prescribed by the Department.

(2) Has demonstrated competence in teaching the didactic and practical skills portions of the curriculum.

(3) Has provided documentation to the Department to establish that the individual conducted at least 20 hours of teaching per year.

(4) Possesses current certification as an EMT or EMT-paramedic, or recognition as a health professional.

(5) Possesses current certification in CPR.

(6) Has completed an EMS instructor update program within 3 years prior to applying for renewal of certification.

**§ 1003.24. EMT-paramedic.**

(a) *Roles and responsibilities.*

(1) An [ individual who is certified by the Department as an ] EMT-paramedic [ and ] who has been granted medical command authorization under § 1003.28 (relating to medical command authorization), or an individual who is a student in an approved EMT-paramedic training program under the supervision of an approved preceptor, may provide in a prehospital, interhospital or in an emergency care setting in a facility, or during the transfer of convalescent or other nonemergency cases, BLS services which may be performed by an EMT as set forth in § 1003.23(a) and (e) (relating to EMT), as well as the ALS services [ listed ] in subsec-

tion (d) to prevent loss of life or aggravation of physiological or psychological illness or injury. **This section does not prohibit an EMT-paramedic from providing EMS as a Good Samaritan.**

(2) An EMT-paramedic who does not have or chooses not to maintain medical command authorization [ in accordance with ] under § 1003.28 may apply to the Department for certification as an EMT. The rules applicable to certification of an EMT-paramedic as an EMT are in § 1003.23(b)(2) [ (relating to EMT) ]. An EMT-paramedic without medical command authorization who is certified as an EMT may provide only the BLS services within an EMT's scope of practice as set forth in § 1003.23(a) and (e) until the EMT-paramedic has regained medical command authorization in accordance with § 1003.28. **Following loss of medical command authorization, an EMT-paramedic may function as an EMT for the ALS ambulance service under which the EMT-paramedic has lost medical command authorization, for 30 days without securing EMT certification, if approval to do so is granted by the ALS service medical director for that ALS ambulance service.**

(b) *Certification.*

(1) [ To be certified as an EMT-paramedic, an individual shall ] The Department will certify as an EMT-paramedic an individual who meets the following qualifications:

(i) **Completes an application on a form prescribed by the Department.**

[ (i) ] (ii) Possesses current certification as an EMT.

(iii) Is 18 years of age or older.

[ (ii) Successfully complete ] (iv) **Has successfully completed** a training course for EMT-paramedics approved by the Department.

[ (iii) Successfully complete ] (v) **Has successfully completed** a practical examination of EMT-paramedic skills[, as verified by the medical director of the training program on a form provided by the Department.

(iv) Possess current CPR certification.

[ (v) Successfully complete ] (vi) **Has successfully completed** a written examination for EMT-paramedics administered by the Department.

[ (vi) Be 18 years of age or older.

(2) **An individual who possesses EMT-paramedic certification from another state or National registry may qualify for EMT-paramedic certification in this Commonwealth by meeting the Department's requirements for reciprocity in § 1003.23(c).**

(3) ] (2) [ The Department will consider an ] An individual certified as an EMT-paramedic [ to be ] is permanently certified as an EMT-paramedic, subject to disciplinary action under section 11(j.1) of the act (35 P. S. § 6931(j.1)) and § 1003.27 (relating to disciplinary and corrective action).

[ (4) ] (3) \*\*\*

(c) *Transition of EMT-paramedic I and EMT-paramedic II certification to EMT-paramedic.*

(1) Current certification by the Department as an EMT-paramedic II is equivalent to certification as an EMT-paramedic. After June 30, 1989, EMT-paramedic II certifications will not be issued by the Department. Only certification as an EMT-paramedic will be issued after June 30, 1989.

(2) Certification as an EMT-paramedic I will not be issued after June 30, 1989. Individuals currently certified as an EMT-paramedic I shall successfully complete additional certification requirements as determined by the Department to bring them up to the level of EMT-paramedic by June 30, 1989, or their certification will revert to the status of an EMT for the remainder of their certification period. ]

*Certification by endorsement.*

(1) For an individual who is 18 years of age or older and who is currently certified in another state as an EMT-paramedic, the Department will endorse the following qualifications as equivalent to those in subsection (b):

(i) Certification as an EMT-paramedic in the other state instead of current certification as an EMT in this Commonwealth.

(ii) Successful completion of EMT-paramedic training curriculum that meets or exceeds the standards of the training course prescribed by the Department under subsection (b)(1)(iv).

(iii) Successful completion of a written examination for EMT-paramedic certification which is determined by the Department to meet or exceed the standards of the written examination prescribed by the Department under subsection (b)(1)(vi).

(iv) Successful completion of a practical skills examination for EMT-paramedic certification which is determined by the Department to meet or exceed the standards of the practical skills examination prescribed by the Department under subsection (b)(1)(v).

(2) An individual whose EMT-paramedic certification in another state is expired at the time of application may seek to have the satisfaction of paragraph (1)(ii) endorsed as equivalent to the satisfaction of subsection (b)(1)(iv), but will not be considered by the Department for endorsement of qualifications under paragraph (1)(i), (iii) or (iv), and shall successfully complete the EMT-paramedic practical skills and written examinations prescribed by the Department after making application for certification through examination.

(d) *Scope of practice.* An EMT-paramedic's scope of practice includes the BLS services which may be performed by an EMT as [ set forth ] in § 1003.23(a) and (e) and the ALS services set forth in this subsection. An EMT-paramedic, with medical command authorization, following the order of a medical command physician, or use of Department approved transfer and medical treatment protocols as authorized by the ALS service medical director, may:

\* \* \* \* \*

(10) Perform [ vagal ] Valsalva maneuvers.

\* \* \* \* \*

(19) Perform other ALS services [ authorized by the Department-approved regional EMS council trans-

fer and medical treatment protocols ] taught in a training course for EMT-paramedics approved by the Department, if the EMT-paramedic has received training to perform those services in such a course, in a course which is determined by the Department to meet or exceed the standards of a training course for EMT-paramedics preapproved by the Department, or in a course for which an EMT-paramedic may receive continuing education credit towards qualifying for medical command authorization, and is able to document this training. The Department will publish, at least annually, a list of the ALS services taught in the most recent training course for EMT-paramedics approved by the Department. If the approved course is not offered by the Department, the Department may exclude from the published list, services taught which the Department determines are not appropriate services to be performed by an EMT-paramedic.

§ 1003.25a. Health professional physician.

[ (a) *Basic qualifications.* ] Physicians who have education and continuing education in ALS services and prehospital care may [ participate in EMS teams ] function as a member of the crew on an ambulance as a health [ professionals ] professional. This section does not prohibit a health professional physician from providing EMS as permitted under 42 Pa.C.S. § 8331 (relating to medical good Samaritan civil immunity).

[ (b) *Minimum qualifications* At a minimum, a health professional physician shall:

(1) Be a practicing physician.

(2) Possess valid CPR certification.

(3) Possess valid ACLS certification.

(4) Possess current certification as an EMT-paramedic, or successfully complete a prehospital health professional training program approved by the Department and a practical skills evaluation and written examination administered by the Department.

(c) *Recognition of current practitioners who are physicians.* A 1-year grace period after the approval of a prehospital physician course will permit an individual currently working in the prehospital setting to challenge the practical or written portion, or both, of the physician prehospital exam format under the following conditions:

(1) The physician shall take written and practical prehospital physician exams and possess:

(i) A valid license to practice in this Commonwealth as a Doctor of Medicine or Doctor of Osteopathy.

(ii) Evidence of participation in an educational program sponsored by a hospital or regional training institute intended to provide the physician with the knowledge and skills needed to provide an advanced level of prehospital care, including physical assessment, immobilization and stabilization, patient extrication, airway management, EKG and rhythm interpretation and pharmacology.

(iii) A letter of support from a director of a medical command facility specific to challenging the exams.

(2) The physician need take only the practical prehospital physician exam and possess:

(i) A valid license to practice in this Commonwealth as a Doctor of Medicine or Doctor of Osteopathy.

(ii) Evidence of participation in an educational program sponsored by a hospital or regional training institute intended to provide the physician with the knowledge and skills needed to provide an advanced level of prehospital care, including physical assessment, immobilization and stabilization, patient extrication, airway management, EKG and rhythm interpretation and pharmacology.

(iii) Board certification in an appropriate specialty or a residency in an emergency medicine residency program or currently advanced cardiac life support and advanced trauma life support course certified.

(iv) A letter of support from a director of a medical command facility specific to challenging the exams.

(d) *Health professionals with specialty transport teams.* For the purposes of § 1005.10(d) (relating to licensure standards), a physician may function as a health professional for specialty transport situations when operating under institutional policies and procedures approved by the Department. ]

#### § 1003.25b. Prehospital registered nurse.

##### (a) *Roles and responsibilities.*

(1) A prehospital registered nurse who has medical command authorization under § 1003.28 (relating to medical command authorization) may provide the ALS services in § 1003.24(d) (relating to EMT-paramedic) and those listed in subsection (c) in addition to the BLS services in § 1003.23(a) and (e) (relating to EMT) to respond to the perceived needs of an individual for immediate medical care in an emergency. **This section does not prohibit a prehospital registered nurse from providing EMS as permitted under 42 Pa.C.S. § 8331 (relating to medical good Samaritan civil immunity).**

(2) A prehospital registered nurse who does not have or chooses not to maintain medical command authorization may apply to the Department for recognition as an EMT. The rules applicable to certification of a prehospital registered nurse as an EMT are set forth in § 1003.23(b)(2). **Following loss of medical command authorization, a prehospital registered nurse may function as an EMT for the ALS ambulance service under which the prehospital registered nurse has lost medical command authorization, for 30 days without securing EMT certification, if approval to do so is granted by the ALS service medical director for that ALS ambulance service.**

##### (b) *Recognition of a prehospital registered nurse.*

(1) The Department will recognize as a prehospital registered nurse a [licensed] registered nurse who meets the following qualifications:

\* \* \* \* \*

(iii) Has successfully completed the American Heart Association or American Red Cross basic cardiac life support training program and the [American Heart Association advanced cardiac life support training

program] ACLS course, or other programs determined by the Department to meet or exceed the standards of the specified programs.

\* \* \* \* \*

(2) A [licensed] registered nurse who received recognition as a health professional registered nurse under the voluntary health professional registered nurse recognition program conducted by the Department prior to September 2, 1995, will be deemed to have Department recognition as a prehospital registered nurse.

(3) Department recognition of a prehospital registered nurse under [paragraphs (1) and (2) will be] **this section is permanent subject to disciplinary action under section 11(j.1) of the act (35 P.S. § 6931(j.1)) and § 1003.27 (relating to disciplinary and corrective action).**

\* \* \* \* \*

(c) *Scope of practice.* A prehospital registered nurse with medical command authorization may perform, in addition to those services within an EMT-paramedic's scope of practice, [the following services:

(1) Those] other ALS services authorized by The Professional Nursing Law (63 P.S. §§ 221—225.5)[.]

[ (2) Other ALS services authorized by the Department-approved regional EMS council transfer and medical treatment protocols.

(3) Other ALS services authorized by medical command in the case of a prehospital registered nurse who functions on an air ambulance service ], when authorized by a medical command physician through either on line medical command or standing treatment protocols.

##### (d) *Recognition by endorsement.*

(1) The Department will grant recognition as a prehospital registered nurse to an individual who has served in a similar capacity in another state and who meets the following qualifications:

(i) Completes an application on a form prescribed by the Department.

(ii) Is 18 years of age or older.

(iii) Has successfully completed the American Heart Association or the American Red Cross basic life support training program and the ACLS course, or other programs determined by the Department to meet or exceed the standards of the specified programs.

(iv) Is licensed as a registered nurse in both this Commonwealth and another state.

(v) Has successfully completed either of the following:

(A) The written ALS examination for prehospital registered nurses approved by the Department and the EMT practical skills examination.

(B) Written and practical skills examinations determined by the Department to meet or exceed the examinations approved by the Department.

(vi) Has successfully completed one of the following:

(A) The Pennsylvania prehospital registered nurse curriculum adopted by the Department.

(B) A knowledge and skills assessment process adopted by the Department.

(C) Curriculum or a knowledge and skills assessment process, which is determined by the Department to meet or exceed the standards adopted by the Department.

§ 1003.26. Rescue personnel.

(a) *Basic rescue practices technician.*

(1) *Roles and responsibilities.* A [ **certified** ] basic rescue practices technician is [ **authorized** ] **an individual certified by the Department as possessing the training and skills** to perform rescue skills in accordance with the basic rescue practices course approved by the Department. A [ **certified** ] basic rescue practices technician utilizes basic tools and equipment of the rescue service [ **and is responsible for employing these tools, equipment and techniques** ] to perform a safe and efficient rescue operation.

\* \* \* \*

(b) *Basic vehicle rescue technician.*

(1) *Roles and responsibilities.* A [ **certified** ] basic vehicle rescue technician is [ **authorized** ] **an individual certified by the Department as possessing the training and skills** to perform rescue skills in accordance with the basic vehicle rescue course approved by the Department [ **which** ]. **That program** provides the student with the knowledge and skills necessary to achieve the rescue of persons involved in automobile accidents [ **on highways** ].

\* \* \* \*

(c) [ *Specialized* ] *Special vehicle rescue technician.*

(1) *Roles and responsibilities.* A [ **person certified in specialized** ] **special vehicle** rescue [ **training is authorized** ] technician is an individual certified by the Department as possessing the training and skills to perform [ **rescue skills** ] rescues in accordance with the specialized rescue training course approved by the Department.

\* \* \* \*

(3) *Minimum qualifications.* An individual shall complete a training program approved by the Department for a specific level of specialized **vehicle** rescue performance, and also shall successfully complete a written examination developed by the Department and administered by the Department.

(d) *Rescue instructor [ **roles and responsibilities** ].*

(1) **Rescue instructors shall:**

(i) **Follow the prescribed course of instruction in leading the student to mastery of unit's objectives and finally to mastery and accomplishment of successfully reaching the course objective.**

(ii) **Assure that teaching aids are present and in operating condition.**

(iii) **Assure that tools, equipment and support materials are present and in operating condition.**

(iv) **Set-up the classroom facility to permit a comfortable, yet successful, learning environment.**

(v) **Assure that field training facilities are sufficient to meet the needs of the practice phase of the training program.**

(vi) **Obtain and prepare classroom materials and exercises which reflect local resources, policies and practices.**

(vii) **Keep discussion oriented toward basic rescue practices.**

(viii) **Prepare practice and remedial activities, as required, to permit students to meet stated objectives.**

(ix) **Assign responsibilities to assistant instructors.**

(x) **Supervise assistant instructors.**

(xi) **Monitor and evaluate student and assistant instructor attendance, and performance.**

(xii) **Maintain records of student and instructor attendance, performance evaluation and knowledge levels.**

(xiii) **Provide recommendations for course improvement.**

(2) **At a minimum, rescue instructors shall:**

(i) **Be certified as an EMT by the Department, and be certified in the fundamentals of firefighting.**

(ii) **Successfully complete a course of instruction in the techniques and philosophy of teaching. One of the following shall be submitted as proof of completion of this requirement:**

(A) **A baccalaureate degree with an education major.**

(B) **State certification as an EMT-instructor.**

(C) **State certification as a fire service instructor.**

(iii) **Successfully complete the Basic Rescue Practices Training Program which they intend to teach.**

(iv) **Be certified as a rescue instructor by the Department.**

(v) **Be able to demonstrate their ability to operate every tool and piece of equipment identified on the minimum equipment list in a manner above the average person's ability to perform.**

(vi) **Agree to actively participate in the presentation of at least one certified basic rescue course per year in order to maintain their instructor certification.**

(3) **The Department will give special consideration to competent instructors who do not meet the requirements in paragraph (2)(i)(A)—(C). The candidate shall submit a letter to the Department of Health, Division of Emergency Medical Services, Post Office Box 90, Harrisburg, Pennsylvania 17108.] The Department will develop a program providing for the certification of rescue instructors. Courses that seek Department approval as a rescue training course shall be taught by certified rescue instructors.**

(e) *Certificates.* **The rescue technician certifications issued by the Department under this section do not constitute a legal prerequisite to performing rescues. The rescue instructor certifications issued by the Department under this section do not constitute a legal prerequisite to serving as a rescue**

**instructor in programs other than rescue training courses approved by the Department. The Department approves the rescue programs and issues the certifications referenced within this section to promote the Statewide EMS system having an adequate number of personnel with sufficient training and skills to perform rescues.**

**§ 1003.27. Disciplinary and corrective action.**

(a) The Department may, upon investigation, hearing and disposition, impose upon prehospital personnel **who are certified or recognized by the Department** one or more of the disciplinary or corrective measures in subsection (c) for one or more of the following reasons:

\* \* \* \* \*

(2) Deceptive or fraudulent procurement **or misrepresentation** of certification or recognition credentials.

\* \* \* \* \*

(12) Failure to comply with ambulance **[trip] response** reporting requirements as established by the Department.

\* \* \* \* \*

(15) Conviction of a misdemeanor which relates to the practice or the profession of the prehospital personnel **practitioner**. Conviction is a judgment of guilt.

\* \* \* \* \*

(d) The Department will conduct all aspects of the disciplinary process and any hearing that may be held in accordance with 1 Pa. Code Part II (relating to **[general rules of administrative practice and procedure]** **General Rules of Administrative Practice and Procedure**). A revocation or suspension of certification **or recognition** may be appealed to the Commonwealth Court under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to **[administrative agency law]** **Administrative Agency Law**).

**§ 1003.28. Medical command authorization.**

(a) *Authority to grant medical command.* The ALS service medical director has the authority to grant, deny or restrict **as provided in subsection (c)(3)**, medical command authorization to an EMT-paramedic or prehospital registered nurse who seeks to provide EMS on behalf of the ALS ambulance service. The ALS service medical director shall document the medical command authorization decision and how that decision was made. The decision of the ALS service medical director shall affect the medical command authorization status of the EMT-paramedic or prehospital registered nurse for that ALS ambulance service only.

(b) *Prerequisites to initial determination regarding medical command authorization.*

\* \* \* \* \*

(3) Before the ALS service medical director may grant medical command authorization to an individual, the ALS service medical director shall verify that the individual can competently perform each of the services set forth **[in] within the [individual's applicable] scope of practice authorized by the individuals' certification or recognition, which is also permitted by the medical treatment protocols in the region or regions in which ambulances of the ALS ambulance service, out of which the individual will function, are stationed.** If the individual had not previously been granted medical command authorization for any ALS

ambulance service in this Commonwealth, the ALS service medical director shall **[directly observe]** determine the individual's **[performance of each ALS service set forth in the individual's applicable scope of practice]** competence to perform those services by direct observation or by consulting with a physician, EMT-paramedic or prehospital registered nurse who has directly observed the individual's performance of those services, and who the ALS service medical director has determined to be qualified to make the assessment. If the individual had previously been granted medical command authorization, the ALS service medical director shall verify that the individual can competently perform each **[ALS service set forth in the individual's applicable scope of practice]** of those services by either directly observing the individual's performance of those services; or by consulting with a physician, EMT-paramedic or prehospital registered nurse who has directly observed the individual's performance of those services, and who the ALS service medical director has determined to be qualified to make the assessment; or doing the following for services not directly observed or by:

\* \* \* \* \*

(iii) Performing a medical audit of records of services provided by the individual seeking medical command authorization, **for patients attended to by that individual for the ALS ambulance for which the ALS service medical director is making the medical command authorization decision.**

\* \* \* \* \*

(4) If the ALS service medical director determines that the individual applying for medical command authorization cannot competently perform **[the ALS services within that individual's scope of practice]** one or more of those services, the ALS service medical director shall either deny, or restrict **as provided in subsection (c)(3)**, the individual's medical command authorization in a written document provided to the individual.

(c) *Review of medical command authorization.* At least annually, and more often as circumstances warrant, the ALS service medical director shall review the medical command authorization status of each EMT-paramedic and prehospital registered nurse providing services on behalf of the ALS ambulance service. In reviewing medical command authorization, the ALS service medical director shall ensure that the individual has **completed** or is completing the applicable continuing education requirements in § 1003.29 and **has** demonstrated competence, as verified by the ALS service medical director, in performing each of the **[skills set forth in the individual's scope of practice]** services that fall within the scope of the individual's medical command authorization. The ALS service medical director, upon review of medical command authorization, may:

\* \* \* \* \*

(2) Renew medical command authorization and require continuing education courses in any field the ALS service medical director deems appropriate. **The ALS service medical director may require an individual to secure more continuing education credit than generally required for personnel operating under medical command authorization for the ALS ambulance**

service, only if the ALS service medical director determines that the individual does not demonstrate sufficient competence in performing a service, the continuing education is prescribed to address that deficiency and the number of continuing education hours generally required are not sufficient to provide the education the individual needs to remedy the problem.

**[ (3) Require completion of specified continuing education courses as a prerequisite to renewal of medical command authorization.**

**(4) [ (3) Restrict [ the scope of practice under ] medical command authorization, if the restriction does not preclude the individual from performing the services specified within the scope of the individual's certification or recognition as permitted by the medical treatment protocols for the region. This permits imposing a restriction such as requiring on scene supervision when the individual performs a specified service or services, or permitting a specified service or services to be performed only when the individual is receiving online medical command.**

**[ (5) ] (4) \*\*\***

(d) *Appeals to the regional EMS medical director.* An individual whose medical command authorization has been denied **[ or restricted ]** by the ALS service medical director may appeal the decision within 14 days to the regional EMS medical director. The individual's appeal shall be in writing and shall specify the reasons the individual disagrees with the decision of the ALS service medical director. The regional EMS medical director shall conduct a hearing. **If the regional EMS medical director is unable to conduct a fair hearing due to receiving prejudicial information prior to the hearing, or for another reason, the regional EMS council shall arrange for the regional EMS medical director of another region to conduct the hearing.** At the hearing, the ALS service medical director shall have the burden to proceed and offer testimony and other evidence in support of the ALS service medical director's decision. The individual shall also have an opportunity to present testimony and other evidence in support of the individual's position. Both parties shall have an opportunity to cross-examine opposing witnesses and to submit oral and written position statements. The regional EMS medical director may give the parties up to 5 additional days following the hearing to submit written position statements. The regional EMS medical director will issue a written decision affirming, reversing or modifying the ALS service medical director's decision within 14 days **[ of ] after** the hearing or within 14 days **[ of ] after** the submission of post hearing position statements, if they are filed. The regional EMS medical director's written decision shall contain the regional EMS medical director's findings and conclusions. If the ALS service medical director fails to appear at the hearing, the regional EMS medical director shall reverse the ALS service medical director's decision. If the individual fails to appear at the hearing, the regional EMS medical director shall make a determination upon the evidence presented and either affirm, reverse or modify the decision of the ALS service medical director. **The burden of proof is a preponderance of the evidence.**

(e) *Appeals to the Department.* If either party is dissatisfied with the decision of the regional EMS medical director with regard to medical command authorization,

that party shall have the right of immediate appeal to the Department. The party appealing the regional EMS medical director's decision shall submit a written statement to the Department specifying the reasons for the party's objections to the regional EMS medical director's decision within 14 days **[ of ] after** that decision. **The other party shall have 14 days to respond.** The Department will review the record before the regional EMS medical director, and if deemed advisable by the Department **[ shall ]** will hear argument and additional evidence. As soon as practicable, the Department, will issue a final decision containing findings of fact and conclusions of law which affirms, reverses or modifies the regional EMS medical director's decision.

(f) *Scope of appeals.* Appeals under this section shall be confined to a review and determination of whether, at the time of the assessment conducted by the ALS service medical director, the individual possessed the competence to perform **[ skills for which the individual was denied medical command authorization ]** all services within the scope of the individual's medical command authorization for the ambulance service.

(g) *Service; determination of time period.* Each party shall serve the other with any document the party files with a regional EMS medical director or the Department. In determining the time in which a document is to be filed under this section, time begins to run for the parties when the document is mailed, and time begins to run for a regional EMS medical director when the document is received by the regional EMS medical director.

#### **§ 1003.29. Continuing education requirements.**

(a) *First responders.* A first responder who elects to qualify for recertification by fulfilling continuing education requirements shall, prior to the expiration of the 3-year certification period, **[ attend ] successfully complete** the following:

(1) Sixteen hours of instruction **[ provided by a continuing education sponsor ]** in subjects related to the scope of practice of a first responder **as set forth in § 1003.22(a) and (e) (relating to first responder) and which have been approved by the Department for continuing education credit.** During the first full certification period the first responder begins following \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption this proposal.*), at least eight of those credits shall be in medical and trauma education.

(2) A CPR course **[ for adult, child and infant sponsored by the American Heart Association, the American Red Cross or another CPR program determined by the Department to meet or exceed the standards of the specified programs ]** completed or taught biennially.

(b) *EMTs.* An EMT who elects to qualify for recertification by fulfilling continuing education requirements shall, prior to the expiration of the 3-year certification period, **[ attend ] successfully complete** the following:

(1) Twenty-four hours of instruction **[ provided by a continuing education sponsor ]** in subjects related to the scope of practice of an EMT **as set forth in § 1003.23(a) and (e) (relating to EMT) and which have been approved by the Department for continuing education credit.** During the first full certi-

fication period the EMT begins following (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*) at least 12 of those credits shall be in medical and trauma education.

(2) A CPR course [for adult, child and infant sponsored by the American Heart Association, the American Red Cross or another CPR program determined by the Department to meet or exceed the standards of the specified programs] completed or taught biennially.

(c) *EMT-paramedics.* To be eligible to receive and retain medical command authorization, an EMT-paramedic shall [attend] successfully complete in each calendar year, 18 hours of instruction [provided by a continuing education sponsor] in subjects related to the scope of practice of an EMT-paramedic as set forth in § 1003.24(a) and (d) (relating to EMT-paramedic) and which have been approved by the Department for continuing education credit, and shall biennially attend or teach a CPR course [for adult, child and infant sponsored by the American Heart Association, the American Red Cross or another CPR program determined by the Department to meet or exceed the standards of the specified programs]. Beginning in 1999, at least 9 of the 18 hours of instruction shall be in medical and trauma education. In the initial year of certification, the EMT-paramedic's continuing education requirements, to secure renewal of medical command authorization for the following year, shall be prorated based upon the month the certification was secured.

(d) *Prehospital registered nurses.* To be eligible to receive and retain medical command authorization, a prehospital registered nurse shall [attend] successfully complete in each calendar year, 18 hours of instruction [provided by a continuing education sponsor] in subjects related to the scope of practice of a prehospital registered nurse as set forth in § 1003.25b(a) and (c) (relating to prehospital registered nurse) and which have been approved by the Department for continuing education credit, and shall attend or teach biennially a CPR course [for adult, child and infant sponsored by the American Heart Association, the American Red Cross or another CPR program determined by the Department to meet or exceed the standards of the specified programs]. Beginning in 1999, at least 9 of the 18 hours of instruction shall be in medical and trauma education. In the initial year of recognition, the prehospital registered nurse's continuing education requirements, to secure renewal of medical command authorization for the following year, shall be prorated based upon the month the recognition was secured.

(e) [Continuing education credit for instruction. Prehospital personnel may also accrue hours to be credited to the individual's continuing education requirements equivalent to the number of hours the individual is an instructor in a continuing education course offered by a continuing education sponsor, or a course that satisfies requirements for initial certification or recognition of prehospital personnel conducted by an accredited training institute for prehospital personnel. EMT-paramedics and prehospital registered nurses may secure no more than 6 hours of continuing education credit

in a calendar year for serving as an instructor in courses for EMTs or first responders.] This section does not prohibit an ambulance service from requiring prehospital personnel to satisfy continuing education requirements it may choose to impose as a condition of employment, provided that the ambulance service may not do the following:

(1) Excuse a prehospital practitioner from meeting continuing education requirements imposed by this section.

(2) Establish individual continuing education requirements for the EMT-paramedics or prehospital registered nurses staffing the ambulance service, except as authorized by § 1003.28(c)(2) (relating to medical command authorization).

[ (f) *Continuing education credit through endorsement.* Prehospital personnel who attend courses offered by any organization or agency with National or state accreditation to provide continuing education may apply to the Department to receive credit for these courses. The individual shall have the burden of demonstrating to the Department that these courses meet standards equivalent to those standards imposed by this part. ]

#### § 1003.30. Accreditation of sponsors of continuing education.

(a) Entities and institutions may apply for accreditation as a continuing education sponsor by submitting to the Department an application [on] in a [form supplied] format prescribed by the Department. The applicant shall supply all information requested [on] in the application. The Department will grant accreditation to an applicant for accreditation as a continuing education sponsor [who] if the applicant satisfies the Department that the courses the applicant will offer will meet the following minimum standards:

\* \* \* \* \*

(5) The courses shall be presented by a qualified responsible instructor in a suitable setting devoted to the educational purpose of the course.

[ (6) The course shall be open to all prehospital personnel interested in the subject matter. ]

\* \* \* \* \*

(c) At least [30] 90 days prior to expiration of the 3-year accreditation period, a continuing education sponsor shall apply to the Department for renewal of the sponsor's accreditation. The Department will renew the sponsor's accreditation if the sponsor meets all of the following requirements:

\* \* \* \* \*

(3) The sponsor has satisfied its responsibilities under § 1003.32 (relating to responsibilities of continuing education sponsors).

(d) If the Department deems that the continuing education sponsor has demonstrated a history of understanding and compliance with the regulatory standards for providing continuing education to prehospital personnel, the Department may apprise the continuing education sponsor that its accreditation constitutes prior approval of continuing education courses offered under this chapter which are presented in a classroom setting, and permit the



continuing education sponsor to assign the number of credit hours for the course, based upon the criteria in § 1003.31(a) (relating to credit for continuing education).

**§ 1003.31. Credit for continuing education.**

(a) *Credit hour.* A prehospital practitioner shall receive 1 hour credit for each 60 minutes of instruction presented in a classroom setting by a continuing education sponsor. Credit may not be received if attendance or other participation in the course is not adequate to meet the educational objectives of the course as determined by the course sponsor. Credit may not be received for other than 30 or 60-minute units of instruction, however the course shall be at least 60 minutes. For completing a continuing education course that is not presented in a classroom setting, or that is not presented by a continuing education sponsor, the prehospital practitioner shall receive the number of credit hours assigned by the Department to the course.

(b) *Course completion.* A prehospital practitioner may not receive credit for a continuing education course not completed, as evidenced by satisfaction of the check-in/check-out process for a course presented in a classroom setting by a continuing education sponsor, which reflects that the prehospital practitioner met the continuing education attendance requirement for receiving credit, and the continuing education sponsor's report to the Department verifying that the prehospital practitioner has completed the course. The course will also not be considered completed if the prehospital practitioner does not satisfy other course completion requirements imposed by this chapter and the continuing education sponsor.

(c) *Continuing education credit for instruction.* A prehospital practitioner shall receive credit equal to the number of hours served as an instructor in a continuing education course offered by a continuing education sponsor, or in a course that satisfies requirements for initial certification or recognition of a prehospital practitioner conducted by a training institute for prehospital personnel accredited by the Department.

(d) *Continuing education credit through endorsement.* A prehospital practitioner who attends or teaches a course offered by an organization with National or state accreditation to provide education may apply to the Department to receive credit for the course. The prehospital practitioner shall have the burden of demonstrating to the Department that the course meets standards substantially equivalent to the standards imposed in this chapter.

(e) *Continuing education credit assigned to courses not conducted by a continuing education sponsor.* If a course is offered by an organization with National or state accreditation to provide education, which is not a continuing education sponsor, the Department will assign credit to the course, including the possibility of no credit or partial credit, based upon considerations of whether the course bears entirely upon appropriate subject matter and whether the method of presenting the course meets standards substantially equivalent to those prescribed in this chapter.

(f) *Continuing education credit assigned to self-study courses.* Credit may be sought from the De-

partment for a self-study continuing education course. The prehospital practitioner shall submit an application to the Department to approve the self-study course for credit prior to commencing the course and shall supply the Department with the materials the Department requests to conduct the evaluation. The Department will assign credit to the course based upon considerations of whether the course addresses appropriate subject matter and whether the method of completing the course meets standards substantially equivalent to those prescribed in this chapter. The Department may require modifications to the proposed self-study as a precondition to approving it for credit.

(g) *Continuing education credit assigned to courses not presented in a classroom setting.* A prehospital practitioner shall be awarded credit for completing a course without the prehospital practitioner physically attending the course in a classroom setting, provided the course has been approved by the Department for credit when presented in that manner.

(h) *Reporting continuing education credits to prehospital personnel.* A record of the continuing education credits received by prehospital personnel shall be maintained in a Statewide registry. A report of the continuing education accumulated shall be provided annually to first responders and EMTs, and semiannually to EMT-paramedics and prehospital registered nurses at the mailing address on record with the Department.

(i) *Resolution of discrepancies.* It is the responsibility of the prehospital practitioner to review the report of continuing education credits and to notify the appropriate regional EMS council of any discrepancy within 30 days after the report is mailed. The Department will resolve all discrepancies between the number of continuing education credits reported and the number of continuing education credits a prehospital practitioner alleges to have earned, which are not resolved by the regional EMS council.

**§ 1003.32. Responsibilities of continuing education sponsors.**

(a) *Record of attendance.* A continuing education sponsor shall maintain a record of attendance for a course presented in a classroom setting by maintaining a check-in/check-out process approved by the Department, and shall assign at least one person to ensure that all individuals attending the course check in when entering and check out when leaving. If an individual enters a course after the starting time, or leaves a course before the finishing time, the assigned person shall ensure that the time of arrival or departure is recorded for the individual.

(b) *Reporting attendance.* A continuing education sponsor shall report to the Department, in the manner and format prescribed by the Department, attendance at each continuing education course presented in a classroom setting within 10 days after the course has been presented.

(c) *Course evaluation.* A continuing education sponsor shall develop and implement methods to evaluate its course offerings to determine their effectiveness. The methods of evaluation shall include providing a course evaluation form to each person who attends a course.

(d) *Record retention.* The continuing education sponsor shall retain for each course it presents, the completed course evaluation forms and the check-in/check-out record for a course presented in a classroom setting. If the continuing education sponsor has received Department approval to assign credit to a course under § 1003.30(d) (relating to accreditation of sponsors of continuing education), the retained records shall also include course materials used, a record of the course instructor's qualifications, the course instructor's lesson plans and examinations if applicable. These records shall be retained for at least 4 years from the presentation of the course.

(e) *Providing records.* A continuing education sponsor shall promptly provide the Department with complete and accurate records relating to the course as requested by the Department.

(f) *Course not presented in a classroom setting.* A continuing education sponsor shall be exempt from the requirements of subsections (a) and (b) for a course which is not presented in a classroom setting, if the course is approved by the Department for credit when presented in that manner. When presenting the course to the Department for approval for credit, the continuing education sponsor shall present a procedure for monitoring, confirming and reporting prehospital practitioner participation in a manner that achieves the purposes of subsections (a) and (b).

(g) *Monitoring responsibilities.* A continuing education sponsor shall ensure that a course was presented in a manner that met all of the educational objectives for the course, and shall determine whether each prehospital practitioner who enrolled in the course met the requirements of this chapter and the continuing education sponsor to receive credit for completing the course.

(h) *Course completion.* A continuing education sponsor shall report to the Department, in a manner and format prescribed by the Department, completion of a course by a prehospital practitioner who completes the course, and shall identify to the Department a prehospital practitioner who seeks credit for a course but who did not meet the requirements of the continuing education sponsor or this chapter to receive continuing education credit. The continuing education sponsor shall also provide a prehospital practitioner who completes a course with a document certifying completion of the course.

#### § 1003.33. Advertising.

(a) A continuing education sponsor may advertise a course as a continuing education course in a manner that states or suggests that the course meets the requirements of this chapter only if the course has been approved by the Department or is deemed approved under § 1003.30(d) (relating to accreditation of sponsors of continuing education).

(b) When a course has been approved for continuing education credit, the continuing education sponsor shall announce, in its brochures or registration materials: this course has been approved by the Department for \_\_\_\_\_ (the approved number of hours) of continuing education credit for \_\_\_\_\_ (the type of prehospital practitioner to which the course applies).

(c) If a continuing education sponsor advertises that it has applied to the Department to secure continuing education credit for a course, prior to presenting the course it shall disclose to all enrollees whether the course has been approved or disapproved for credit.

#### § 1003.34. Withdrawal of accreditation or course approval.

If the continuing education sponsor fails to satisfy the requirements of this chapter, the Department may:

(1) Withdraw its accreditation.

(2) Downgrade its accreditation status to provisional accreditation, subject to withdrawal if deficiencies are not resolved within a time period prescribed by the Department.

(3) Withdraw approval of a continuing education course applicable to any future presentation of the course.

#### Subchapter C. [AIR AMBULANCE PERSONNEL] (Reserved)

#### § 1003.41. [Air ambulance medical director] (Reserved).

[ (a) *Roles and responsibilities.* An air ambulance medical director is responsible for the following:

(1) Providing medical guidance and advice to the air ambulance service personnel.

(2) Participating in training of medical flight crew members.

(3) Granting or denying medical command authorization in accordance with § 1003.28 (relating to medical command authorization) to medical flight crew members who require the authorization.

(4) Performing medical audits of patient care provided by the air ambulance service's medical flight crew members.

(b) *Minimum qualifications.* If the air ambulance medical director is not a medical command physician, the air ambulance medical director shall:

(1) Possess the minimum qualifications for a medical command physician in § 1003.4(b)(1)–(5) (relating to medical command physician).

(2) Have experience in the base station radio direction of prehospital personnel.

(3) Have knowledge of altitude physiology and of potential medical complications which may arise during transport of a patient by air ambulance.

(4) Have knowledge of air craft safety and the capabilities and limitations of the aircraft used.

(5) Have knowledge regarding the application, use, maintenance and hazards of routine or special medical equipment used during transport of patients by the air ambulance service.

(6) Successfully complete Parts A and B of the Medical Command Base Station Course adopted by the Department.]

#### § 1003.42. [Air ambulance medical crew members] (Reserved).

[ (a) *Roles and responsibilities.* The air ambulance medical air crew members shall have the following responsibilities:

(1) To assure that equipment/supplies that are required for an air ambulance flight are on the aircraft and in working order prior to takeoff for patient transport.

(2) To provide medical care and intervention according to direct medical command or written protocols/standing orders.

(3) To maintain a patient treatment record, documenting medical care rendered by the medical flight crew and the disposition of the patient at the receiving medical facility. The patient treatment record shall be maintained at the base hospital.

(4) To evaluate each patient for potential adverse effects from flight operations.

(5) To assure that the patient and equipment are secured during flight.

(b) *Minimum qualifications.* Air ambulance medical air crew members shall have the following minimum qualifications:

(1) Recognition as a Pennsylvania licensed health professional or certification as an EMT-paramedic.

(2) Knowledge and skill in the application, operation, care and removal of on-board medical equipment used in the care of the patient, as well as knowledge of potential in-flight complications which may arise from the use of the equipment, and the treatment of these complications, as well as knowledge of flight physiology.

(3) Training in the use of extrication devices, rescue and survival techniques appropriate to the terrain and the conditions under which the service is operated.

(4) Knowledge of policies and procedures of the air ambulance service.

(5) Knowledge of safety operations in and around aircraft, and in-flight and post-flight aircraft accident and incident procedures.

(6) Knowledge of the use of the installed aircraft and portable communications equipment. ]

§ 1003.43. [ Air ambulance pilot ] (Reserved).

[ (a) *Roles and responsibilities.* A pilot employed and dispatched for air ambulance service flight shall have the following responsibilities:

(1) To assure that the aircraft is ready for flight at all times.

(2) To proceed expeditiously and as directly as possible to the flight destination considering weather, appropriate safety rules, noise abatement procedures, flight path and altitude clearances.

(3) To flight follow with the communications center at intervals not to exceed 15 minutes. If the aircraft is outside the radio range of the base communications center, adequate flight following shall be planned and executed.

(b) *Minimum qualifications.* Pilots employed and dispatched for air ambulance service flight shall:

(1) Meet FAA requirements for medical certification, licensing and aircraft type ratings pertaining to the flight, as specified at 14 CFR Part 135 (relating to air taxi operators and commercial operators).

(2) Be trained in, and familiar with, the Pennsylvania Emergency Medical Services Communications Systems within their service area.

(3) Be trained by the manufacturer in the operation of the specific type of aircraft, and have at least 5 hours of flying time in the aircraft before serving as pilot in command.

(4) Be specifically trained, and preferably experienced, in flying the terrain and conditions unique to the air ambulance service area.

(5) Possess recurrent training in accordance with FAA requirements found at 14 CFR 135.351 (relating to recurrent training).

(6) Hold a current rotorcraft certification with a minimum of 2,000 rotorcraft flight hours as pilot in command. ]

§ 1003.44. [ Air ambulance communications specialist ] (Reserved).

[ (a) *Roles and responsibilities.* Communications specialists who dispatch air ambulance service aircraft have the following responsibilities:

(1) To take emergency calls and dispatch appropriate air ambulance services to respond to the emergency.

(2) To document the following information:

(i) Time of initial and subsequent air ambulance request calls.

(ii) Name of party or agency requesting the air ambulance service and a verification phone number.

(iii) Pertinent patient medical information.

(iv) Names of referring and receiving physicians at hospitals.

(v) Landing and destination sites.

(vi) The details of needed ground transportation arrangements at pick-up and landing sites.

(vii) Times and reasons for aborted or missed flights.

(viii) Details of coordination with ground personnel for landing and receipt of the aircraft.

(ix) Other data pertinent to the service's specific needs for completing activity review reports.

(b) *Minimum qualifications.* Air ambulance communications specialists shall have training commensurate with the scope of responsibility given them by the particular dispatch center. ]

#### CHAPTER 1005. LICENSING OF BLS AND ALS GROUND AMBULANCE SERVICES

##### § 1005.1. General provisions.

(a) This chapter applies to ground ambulance services. [ No ] person, or other entity, as an owner, agent or otherwise, may **not** operate, conduct, maintain, advertise or otherwise engage in or profess to be engaged in providing a BLS or ALS ambulance service upon the highways or in other public places in this Commonwealth, unless that person holds a current valid license as a BLS or ALS ambulance service issued by the Department [ **unless exempted by** ] or is from these prohibitions under the act.

(b) The Department will license an **[ ambulance service ] applicant** as a BLS or ALS ambulance service, or both, when it meets the requirements of the act and this part.

(c) An ALS ambulance service may **[ be licensed to provide ALS under medical command and direction, in one or more ]** employ either or both of the following **[ modes ]** types of ambulances:

(1) A mobile intensive care unit **vehicle**, which is a **[ unit ] vehicle** that **[ responds and transports seriously ill or injured ]** is designed, constructed, equipped and maintained or operated to provide emergency medical care to and transportation of patients.

(2) An ALS squad unit vehicle, which is a vehicle that is specifically modified and equipped, and is maintained or operated for the purpose of transporting ALS **prehospital** personnel and equipment to the scene of an emergency.

**[ (3) An ALS transport service, which is a unit that transports patients between health care facilities/institutions. ]**

(d) In addition to the general requirements for exceptions in § 1001.4 (relating to exceptions), the Department may grant exceptions to **regulatory licensure standards** for ALS and BLS ambulance services that are licensed in a contiguous state if:

\* \* \* \* \*

#### § 1005.2. Applications.

(a) An application for **[ licensure ]** an original or renewal ambulance service licensure shall be submitted **[ by ambulance service providers ]** on forms prescribed by the Department. The application shall contain **[ , but not be limited to, ]** the following information as well as any additional information that may be solicited by the application form:

\* \* \* \* \*

(4) **[ Type and level ]** Level of service—ALS or BLS.

(5) **[ Service ]** The emergency service area **[ served—both primary and mutual-aid ]** the applicant commits to serve, or, alternatively, a statement that the applicant intends to engage primarily in interfacility transports.

(6) Personnel **[ work status—partially paid, fully paid or volunteer ]** roster and staffing plan.

(7) **[ Design types and the ]** The number and types (BLS, mobile intensive care unit, ALS squad unit) of ambulance vehicles to be operated by the **[ service ]** applicant, and identifying information relating to those ambulances.

\* \* \* \* \*

(9) Primary physical building location, and other building locations out of which it will operate ambulances or a full description of how its ambulances will be placed and respond to emergency calls if they will not be operated out of other building locations.

**[ (9) ] (10)** Statement attesting to the veracity of the application, which shall be signed by **[ a responsible person affiliated with ]** the principal official of the applicant.

(b) The **[ ambulance service ]** applicant shall **[ complete and ]** submit the application to the regional EMS council **[ in whose jurisdiction ]** exercising responsibility for the EMS region in which the **[ service is located ]** applicant will station its ambulances if licensed.

(1) The regional EMS council shall review the application for completeness **[ , ]** and accuracy **[ and conformance with regional EMS plans and protocols.**

(2) Complete applications shall be forwarded to the Department by the regional EMS council within 14 days of receipt. ]

**(3) ] (2)** Incomplete applications shall be returned by the regional EMS council to the applicant within 14 days of receipt.

(c) Upon receipt of a complete application, the **[ Department ]** regional EMS council will schedule and conduct an onsite inspection of the applicant's **[ service ]** vehicles, equipment and personnel qualifications, as well as other matters that bear upon whether the applicant satisfies the statutory and regulatory criteria for licensure. The inspection shall be performed within 45 days after receipt by the **[ Department ]** regional EMS council of the completed application.

(d) An ambulance service shall submit a change of vehicle form to the regional EMS council within 10 days after placing a new ambulance in service, and may continue to operate the ambulance unless its authority to do so is disapproved by the Department following inspection.

(e) An ambulance service shall apply for and secure an amendment of its license prior to substantively altering the location or operation of its ambulances in an EMS region, such as a change in location or operations which would not enable it to timely respond to emergencies in the emergency service area it committed to serve when it applied for a license. The application for an amendment of an ambulance service license shall be submitted to the regional EMS council on a form prescribed by the Department.

§ 1005.3. Right to enter **[ and ]**, inspect and obtain records.

(a) Upon the request of an **employee** or agent of the Department during regular and usual business hours, or at other times when **that person possesses** a reasonable belief that violations of this part may exist, a licensee shall:

\* \* \* \* \*

(2) Produce for inspection **[ personnel and other employment ]**, permit copying and provide within a reasonable period of time, records that pertain to **[ certification of ]** personnel and their qualifications, staffing, equipment **[ and mutual aid agreements ]**, supplies and policies and procedures required under § 1005.10 (relating to licensure and general operating standards).

(3) Permit the [agent] person to examine vehicles, required equipment and [recordkeeping] supplies and security facilities [for information collected under § 1001.41].

(b) The Department's [agent] representative shall advise the licensee that the inspection is being conducted under section 12(k) of the act (35 P. S. § [6938] 6932k) and this chapter.

(c) [The Department reserves the right to enter and make inspections at least quarterly, and at other times upon complaint or a reasonable belief that violations of this part may exist.

(d) [Failure of a licensee to produce records [for inspection] or to permit an examination [of equipment and facilities] as required by this section constitutes misconduct in operating the ambulance service and shall be grounds for [suspension, revocation] disciplinary sanctions or denial of license.

#### § 1005.4. Notification of deficiencies to applicants.

(a) [Within 30 days of an inspection,] Upon completion of the license inspection the inspector shall provide the applicant for an ambulance service license [and the regional EMS council shall be notified as to] an inspection report specifying the results of the inspection.

(b) If the [Department has determined] inspector determines that deficiencies warrant a reinspection, the [Department will give written notice to the applicant and the regional EMS council of the deficiencies] inspector shall give the ambulance service written notice of the matters to be reinspected.

(c) [The] If the type of deficiency requires a plan of correction, the applicant shall have 30 days in which to [respond to the Department] provide the inspector with a plan to correct the [deficiencies] deficiency. [The Department will review the plan of correction, and, if] If the plan is found to be acceptable, the [Department] inspector will [make an onsite] conduct a reinspection in accordance with the time frame given in the plan of correction.

(d) [Within 30 days of the reinspection, the Department will give written notice to the applicant and the regional EMS council of the results of the reinspection.] If the applicant disagrees with any deficiency cited by the inspector following the inspection or reinspection, or the regional EMS council's rejection of a plan of correction, the applicant shall apprise the Department of the matter in dispute, and the Department will resolve the dispute.

(e) [When the applicant meets the requirements of this part, the Department will proceed with the licensure process.] The Department will act upon the license application within 30 days after the inspection process has been completed.

#### § 1005.5. Licensure.

(a) A license to operate as an ambulance service will be issued by the Department when it has [been] determined that requirements for licensure have been met.

(b) A license certificate will [indicate] specify the name of the ambulance service, its license number, the address of its primary headquarters, the [date] dates of issuance and expiration, the levels of service the ambulance service [provider] is authorized to provide and the name of the regional EMS council through which the license application was processed. If the ambulance service is an ALS ambulance service, the license certificate will also specify the types of ALS ambulance the ambulance service has been authorized to use.

(c) [A license shall be issued for each level of service being provided by the licensee. The issuance of a license for both BLS and ALS shall be determined by the contents of the application, and with the concurrence of the regional EMS council, within whose jurisdiction the applicant is located or headquartered.

(d) [The current license certificate shall be displayed in a public and conspicuous place in the ambulance service's] quarters] primary headquarters.

[ (e) ] (d) An ambulance [vehicle of an ambulance service] shall be identified by a decal issued by the Department which shall be considered part of its license and which shall be applied to the outside of the [vehicle] ambulance in a conspicuous place.

[ (f) A ] (e) An ambulance decal issued by the Department may not be displayed on a vehicle by [a service] an entity not [currently] licensed as an ambulance service by the Department.

[ (g) ] (f) \*\*\*

#### § 1005.6. Out-of-State providers.

Ambulance services located or headquartered outside of this Commonwealth that [have primary response areas or routinely transport] regularly engages in the business of providing emergency medical care and transportation of patients from within this Commonwealth, to facilities within or outside this Commonwealth, are required to be inspected and licensed by the Department.

#### § 1005.7. Services owned and operated by hospitals.

[Ambulance services owned and operated by a] A hospital[, ] licensed under Chapter 8 of the Health Care Facilities Act (35 P. S. §§ 448.801—448.820) [are] is not required to obtain a separate ambulance service license to [provide] own and operate an ambulance service. [These] An ambulance [services are] service owned and operated by a hospital is subject to the act and this part, and shall be inspected under this part, regardless of whether the hospital secures a license to operate as an ambulance service.

#### § 1005.7a. Renewal of ambulance service license.

(a) The Department will notify the ambulance service to renew its license at least 120 days prior to the expiration date of the license.

(b) An ambulance service shall apply for renewal of its license between 120 days and 60 days prior to the expiration of its license. Failure to apply for renewal in a timely manner may result in the applicant not securing a renewal of its license before the prior license expires.

(c) **The criteria for license renewal are the same as the requirements that would apply for original licensure at the time the renewal application is made.**

§ 1005.8. Provisional [ licenses ] license.

(a) **[ The ] If an ambulance service or an applicant for an ambulance service license fails to meet licensure requirements, the Department may issue it a provisional license, valid for a specific time period of not more than 6 months, when the Department [ finds that an ambulance service: ] deems it is in the public interest to do so.**

(b) **The Department may renew a provisional license once, for a period not to exceed 6 months except when a longer period of renewal is permitted under subsection (c), if:**

(1) **[ Has ] The ambulance service has substantially, but not completely, complied with applicable requirements for licensure.**

(2) **[ Is complying ] The ambulance service is making a good faith effort to comply with a course of correction approved by the Department.**

(3) **[ Has existing deficiencies that will not adversely affect the health, welfare or safety of citizens of this Commonwealth. ] The Department deems it is in the public interest to do so.**

**[ (b) A provisional license may be renewed for 6 months if the Department determines that the ambulance service is making a good faith effort to correct existing deficiencies and it is in the public interest to do so. ]**

(c) **The Department may renew a provisional BLS ambulance service license for [ a period of ] 12 months for a volunteer [ fire department or a volunteer ] ambulance service, or a volunteer fire department or rescue service that operates an ambulance service, which does not meet the minimum standards for staffing at the [ basic life support ] BLS level of care, but meets the other requirements of this chapter.**

§ 1005.9. Temporary [ licensure ] license.

**When [ a new or existing ALS service ] an ALS ambulance service or an applicant for an ALS ambulance service license cannot provide service 24 [ hours a day ] hours-a-day, 7 [ days a week ] days-a-week, the Department may issue a temporary license for operation of the ALS ambulance service when the Department deems it is in the public interest to do so. The temporary license is valid for 1 year and may be renewed once.**

§ 1005.10. Licensure **and general operating** standards.

(a) *Documentation requirements.* **An applicant for an ambulance service license shall have the following documents available for the inspection by the Department:**

(1) **[ Roster ] A roster of active personnel, including certification and recognition documentation with dates of expiration and identification numbers, and its process for scheduling staff to ensure that the minimum staffing requirements in subsection (d) are met.**

(2) **Copies of prehospital ambulance [ trip ] call reports or other formats on which those records are kept on patients treated or transported[, or both, during the 3-month period prior to the inspection date ], if applicable.**

(3) **Call volume records from the previous year's operations, if applicable. These records shall include a record of each call received requesting the ambulance service to respond to an emergency, as well as a notation of whether it responded to the call and the reason if it did not respond.**

(4) **[ Copies of mutual-aid agreements with other ambulance services which service the applicant's community or applicant's service area. ] A record of the time periods for which the ambulance service notified the PSAP that it would not be available to respond to a call.**

(5) **Copies of all written policies required by this section.**

(b) **[ Vehicle ] Ambulance standards. [ Ambulance ] For ambulance vehicles which transport patients [ and were purchased after June 1, 1985, shall at the time of purchase or acquisition meet or exceed the Federal Specification KKK-A-1822, and amendments and revisions thereto, Section 1.2.1 Ambulance Types, Classes and Floor Plans and Section 3.1 General Vehicular Design Types and Floor Plans or other National standards as recognized and approved by the Department. Ambulance vehicles purchased before June 1, 1985 ], the ambulance service will be required to show evidence that the vehicle has met [ the requirements of the Federal Specification KKK-A-1822 ] 75 Pa.C.S. §§ 4571 and 4572 (relating to visual and audible signals on emergency vehicles; and visual signals on authorized vehicles) and 67 Pa. Code Chapter 173 (relating to flashing or revolving lights on emergency and authorized vehicles) and the Federal KKK standards which were in effect at the time of [ vehicle ] vehicle's manufacture [ or that the vehicle met the requirements of the Department's Voluntary Ambulance Certification Program VASC) at the time of VASC Certification ] and which are not inconsistent with the standards in 75 Pa.C.S. §§ 4571 and 4572. These specifications will be for ambulance design types, floor plans and general configuration. An ALS squad unit vehicle is not subject to the Federal KKK standards; however, it is required to meet the standards in 75 Pa.C.S. §§ 4571 and 4572.**

(c) *Equipment and supplies.* **[ Approved ] Required equipment and supplies shall be carried and readily available in working order for use on BLS and ALS vehicles.**

(1) **BLS and ALS vehicles shall carry [ BLS ] medical equipment and supplies as [ specified by the Department.**

(2) **The minimum list of equipment and supplies for BLS and ALS vehicles will be ] published by the Department in the *Pennsylvania Bulletin* on an annual basis, or more frequently.**

**[ (3) ] (2) An ALS squad unit vehicle is exempt from the requirement of carrying patient litters and equipment which is permanently installed.**

**[(4) ALS vehicles and ALS squad units shall carry ALS medical equipment, supplies and drugs as prescribed by the Department.**

**(5) ] (3) A BLS [ services ] ambulance service may carry ALS equipment and drugs [ for use by the ], in addition to those generally prescribed for use by a BLS ambulance service, only if it has a physician [ affiliated with the service as long as the physician ] medical director who has education and continuing education in ALS and prehospital care, and who is directly responsible for security, accountability, administration and maintenance of the equipment and drugs, [ and when the service is approved to operate in this manner by the regional EMS council and the Department ] if the arrangement is authorized by the Department upon its determination that the arrangement is in the public interest.**

**(d) Personnel requirements.**

**(1) Minimum staffing requirements.**

**(i) BLS unit. [ Minimum staffing standards for ambulance services that operate at the BLS level of care shall be as follows:**

**(A) Ambulances, ] A BLS ambulance, when transporting a patient, except for when engaging in the routine transfer of convalescent or other nonemergency cases, shall be staffed by at least two persons, [ who ] one of whom shall be an EMT, EMT-paramedic or health professional, and one of whom shall, at least, qualify as an ambulance [ attendants ] attendant. [ At least one attendant ] An EMT, EMT-paramedic or a health professional shall accompany the patient in the patient compartment of the ambulance during transport. [ Ambulance personnel between 16—18 years of age shall be directly supervised by an adult crew member with equal or greater training during patient treatment and transport.**

**(B) Effective July 1, 1990, ambulances, when transporting patients, except for routine transfer of convalescent or other nonemergency cases, shall be staffed by at least two persons, one of whom shall be an EMT, EMT-paramedic or health professional, and one of whom shall, at least, qualify as an ambulance attendant. The patient shall be accompanied in the patient compartment by the crew member with the highest level of certification. ]**

**(ii) ALS units. Minimum staffing standards for an ambulance [ services ] that [ operate ] is operating at the ALS level of care shall be as follows:**

\* \* \* \* \*

**(C) An ALS squad unit meets minimum staffing requirements by transporting an EMT-paramedic or health professional to rendezvous with a BLS ambulance, and having the EMT-paramedic or health professional provide emergency medical treatment to, and accompany on the BLS ambulance during transport, a patient requiring ALS care.**

**(D) Minimum ALS staffing standards apply to the ALS ambulance service 24 hours-a-day, 7 days-a-week. An ALS mobile intensive care unit, itself, need only satisfy BLS ambulance staffing requirements under subparagraph (i) when responding to a call for BLS assistance exclusively. If the nature**

**of the assistance requested is unknown, the mobile intensive care unit shall respond as if the patient requires ALS care.**

**(iii) All units. Minimum staffing standards are satisfied when an ambulance service has a duty roster that identifies staff who meet minimum staff criteria and who have committed themselves to be available at the specified times, and when minimum required staff are present during the emergency medical treatment and transport of a patient.**

**(2) ALS service medical director. A [ licensed ] An ALS ambulance service shall have an ALS medical director whose duties include the following:**

\* \* \* \* \*

**(ii) Making medical command authorization determinations for EMT-paramedics and prehospital registered nurses as set forth in § 1003.28 (relating to medical command authorization).**

**(iii) Reviewing the medical command authorization status of EMT-paramedics and prehospital registered nurses utilized by the ALS ambulance service as set forth in § 1003.28 at least once annually.**

\* \* \* \* \*

**(3) Ambulance drivers. [ A ] An ambulance service shall ensure that a person who drives an ambulance for that service is a responsible person. Notwithstanding other considerations that may bear upon whether a driver of an ambulance is a responsible person, a person who drives an ambulance [ vehicle ] for [ a licensed ] an ambulance service [ shall ] will not be considered to be a responsible person unless that individual:**

**(i) [ Be ] Is at least 18 years of age.**

**(ii) [ Hold ] Has a valid driver's license.**

**(iii) [ Observe relevant ] Observes all traffic laws.**

**(iv) [ Not be ] Is not addicted to, or under the influence of, alcohol or drugs.**

**(v) [ Be ] Is free from physical or mental defect or disease that may impair the person's ability to drive an ambulance.**

**[ (vi) Not have been convicted within the last 4 years of driving under the influence of alcohol or drugs, and, within the last 2 years, not have been convicted of reckless driving or have had a driver's license suspended under the point system. Persons who have been convicted of one or more of these violations shall repeat an emergency vehicle operator's course of instruction approved by the Department.**

**(vii) Take and ] (vi) Has successfully [ complete ] completed an emergency vehicle operator's course of instruction[ , ] approved by the Department[ , within 3 years of course approval. Personnel who have completed an emergency vehicle operator's course of instruction acceptable to the Department by July 1, 1992, shall be deemed to be in compliance with this requirement. ]**

**(vii) Has not been convicted within the last 4 years of driving under the influence of alcohol or drugs, or, within the last 2 years, has not been convicted of reckless driving or had a driver's license suspended. The person will not be consid-**

ered to be a responsible person until the designated time has elapsed and the individual, after the conviction or suspension of license, repeats an emergency vehicle operator's course of instruction approved by the Department.

(e) [ *Coverage agreement.*

(1) A licensed ambulance service shall have a written agreement with one or more neighboring ambulance services for coverage during times when its own ambulance is not available for service in its primary response area. The agreement shall specify the respective duties, responsibilities and coverage times of the parties involved and shall be filed with the Department.

(2) An ambulance service which is unable to provide 24-hours-a-day, 7-day-a-week services shall provide for alternate ambulance service either through a mutual aid agreement or other type of contract as approved by the regional EMS council.

(3) When a licensed ambulance service does not have an ambulance enroute to a reported emergency call within 10 minutes of the time of dispatch, the call shall be referred to the closest available ambulance service. Once a request for service has been referred to another service, if the referring service is subsequently able to initiate a response which will access the patient more quickly than the service to which the request was referred, the service which can access the patient most quickly shall respond. ]

*Communicating with PSAPs.*

(1) *Responsibility to communicate unavailability.* An ambulance service shall apprise the PSAP in its area as to when it will not be in operation and when its resources are committed so that it will not be able to have an ambulance and required staff respond to a call requesting it to provide emergency assistance.

(2) *Responsibility to communicate delayed response.* An ambulance service shall apprise the PSAP, as soon as practical after receiving a dispatch call, if it is not able to have an ambulance and required staff immediately en route to an emergency.

(3) *Responsibility to communicate with PSAP generally.* In addition to the communications required by paragraphs (1) and (2), an ambulance service shall provide a PSAP with information, and otherwise communicate with a PSAP, as the PSAP requests to enhance the ability of the PSAP to make dispatch decisions.

(4) *Response to dispatch by PSAP.* An ambulance service shall respond to a call for emergency assistance as communicated by the PSAP.

(f) [ *Policy and procedures.* An ambulance service shall establish written policies and procedures governing the function of personnel, the operation of ambulances and the provision of EMS. The policies shall be available for inspection by the Department and shall address the following topics:

(1) *Recordkeeping.* An ambulance service shall have a written policy requiring responding ambulance personnel to complete a prehospital ambu-

lance trip report on forms provided by the Department for each ambulance call to which the service responds.

(2) *Scene control.* An ambulance service shall establish a written policy on scene control directing prehospital personnel as follows:

(i) Control of all aspects of patient management at an emergency scene shall be the responsibility of the individual in attendance who has the highest level of EMS certification/recognition. For the purposes of this section, level of certification/recognition, shall be as follows:

(A) 1—Health professional.

(B) 2—EMT-paramedic.

(C) 3—EMT.

(D) 4—First responder.

(E) 5—Ambulance attendant.

(ii) If a prehospital care provider is not available, the authority is vested in the most appropriately trained representative of a public safety agency at the scene of the emergency. ]

(f) *Patient management.* All aspects of patient management are to be handled by a prehospital practitioner with the level of EMS certification or recognition necessary to care for the patient based upon the condition of the patient.

[ (3) ] (g) *Use of lights and other warning devices.* [ Ambulance services shall establish a policy covering the use of warning devices which includes the following requirements:

(i) ] Ambulances [ responding to an incident scene or to an emergency care facility ] may use emergency lights or audible warning devices, or both, [ for cases ] only when transporting or responding to a call involving [ patients with life-threatening or potentially life-threatening illnesses or injuries ] a patient who presents or is in good faith perceived to present a combination of circumstances resulting in a need for immediate medical intervention. When transporting the patient, the need for immediate medical intervention must be beyond the capabilities of the ambulance crew using available supplies and equipment.

[ (ii) Ambulances responding to the incident scene or to an emergency care facility may not use emergency lights and audible warning devices for cases involving patients that do not have life-threatening or potentially life-threatening illnesses or injuries.

(4) ] (h) *Weapons and explosives.* [ Ambulance services shall establish a written policy directing that weapons ] Weapons and explosives may not be worn by ambulance personnel or carried aboard an ambulance. This [ section ] subsection does not apply to law enforcement officers who are serving in an authorized law enforcement capacity.

(i) *Accident, injury and fatality reporting.* An ambulance service shall report to the appropriate regional EMS council, in a form or manner prescribed by the Department, an ambulance vehicle accident that is reportable under 75 Pa.C.S. (relating to Vehicle Code), and an accident or injury to



an individual that occurs in the line of duty of the ambulance service that results in a fatality, or medical treatment at a facility. The report shall be made within 24 hours after the accident or injury. The report of a fatality shall be made within 8 hours after the fatality.

(j) *Medical command notification.* An ALS ambulance service shall identify, to the regional EMS council having responsibility in the region out of which it operates, the prehospital personnel used by it that have medical command authorization in the region for that ALS ambulance service. It shall also notify the regional EMS council when a prehospital practitioner loses medical command authorization for that ALS ambulance service.

(k) *Monitoring compliance.* An ambulance service shall monitor compliance with the requirements that the act and this part impose upon the ambulance service and its staff.

(l) *Policies and procedures.* An ambulance service shall maintain written policies and procedures addressing each of the requirements imposed by this section, as well as the requirements imposed by §§ 1001.41, 1001.42, 1001.65 and 1005.11 and shall also maintain written policies and procedures addressing infection control, management of personnel safety, and the placement and operation of its ambulances.

§ 1005.11. [Medication] Drug use, control and security.

(a) [A licensed ALS] An ambulance service may stock [certain approved] drugs [and medications for emergency medical purposes, under written authorization by the medical director of a regional EMS council,] as approved by the Department, and shall carry drugs in an ambulance in conformance with the [ALS plan for the service's area] transfer and medical treatment protocols applicable in the region in which its ambulance is stationed. Additional drugs may be stocked by an ALS ambulance service as authorized by the ALS service medical director if the ALS ambulance service uses health professionals, and additional drugs may be carried or brought on an ambulance as follows:

(1) Drugs which the applicable regional transfer and medical treatment protocols prescribe for the treatment of an ALS patient may be brought on a BLS ambulance by an EMT-paramedic or health professional when rendezvousing with a BLS ambulance to treat an ALS patient on behalf of an ALS ambulance service.

(2) Drugs other than those authorized by the applicable regional transfer and medical treatment protocols may also be carried on an ALS ambulance, or brought on board a BLS ambulance by a health professional, when the requirements of subsection (d)(2) are satisfied.

(3) Drugs other than those authorized by the applicable regional transfer and medical treatment protocols may also be carried on an ALS ambulance, or brought on board a BLS ambulance by a registered nurse, physician assistant or physician when the following standards are met:

(i) The ambulance is engaged in an interfacility transport.

(ii) The physician, registered nurse or physician assistant has special training required for the continuation of treatment provided to the patient at the facility, and the use of drugs not maintained on the ambulance is or may be required to continue that treatment.

(iii) The physician, registered nurse or physician assistant does not substitute for required staff.

(4) A BLS [services] ambulance service, if not also licensed as both an ALS and BLS ambulance service, may not [possess] stock drugs [or medications] which are not prescribed by the Department for use by a BLS ambulance, and a BLS ambulance service may not carry the drugs, except as authorized under this section and § 1005.10(c)(5)(3) (relating to licensure and general operating standards).

(b) The Department will publish at least annually by notice in the *Pennsylvania Bulletin* a list of drugs [and medications] approved for use by [licensed ALS] ambulance services when also permitted by the applicable regional transfer and medical treatment protocols.

(c) [For purposes of emergency administration, a licensed ALS unit] An ambulance service may [have possession of certain designated controlled substances and other] procure and replace drugs, [as approved and published by the Department on an annual basis through an appropriate service contract or written affiliation with] from a hospital, pharmacy or from a participating and supervising physician, if not otherwise prohibited by law. [Responsibility for drugs and controlled substances remains with the original dispensing physician, hospital or pharmacy of record. Replacement of designated controlled substances and other drugs may be obtained from a dispensing physician, hospital, or pharmacy of record if subsections (j) and (k) are followed.]

(d) Administration of drugs [and medications] by prehospital personnel, other than those approved for use by a BLS ambulance service, shall be restricted to [ALS personnel] EMT-paramedics and health professionals who have been authorized to administer [medication] the drugs by the [regional] ALS service medical director, when under orders of a medical command physician[, regional] or pursuant to standing orders in the EMS region's transfer and medical treatment [protocol or standing orders protocols]; except all prehospital personnel other than a first responder and an ambulance attendant may administer to a patient, or assist the patient to administer, drugs previously prescribed for that patient, as specified in the Statewide BLS medical treatment protocols.

(1) An EMT-paramedic is restricted to administering drugs permitted by the applicable regional transfer and medical treatment protocols and the Statewide BLS medical treatment protocols.

(2) A health professional may administer drugs in addition to those permitted by the applicable regional transfer and medical treatment protocols and the Statewide BLS medical treatment protocols, provided the health professional has received

approval to do so by the ALS service medical director of the ambulance service, and has been ordered to administer the drug by the medical command physician.

(e) [ Areas of control including labeling, adulteration, misbranding, checking expiration dates and storage shall be adhered to by the practitioner who has responsibility for the drugs as is required under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144). The original dispensing practitioner to ALS units as identified on the ambulance service license application will examine drug stock to insure product quality and will reconcile the inventory of drugs a minimum of once a month for supply and administration records. ] The ambulance service shall adequately monitor and direct the use, control and security of drugs provided to the ambulance service. This includes:

(1) Ensuring proper labeling and preventing adulteration or misbranding of drugs, and ensuring drugs are not used beyond their expiration dates.

(2) Storing drugs as required by The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144), and as otherwise required to maintain the efficacy of drugs and prevent their misappropriation.

(3) Including in the ambulance call report information as to the administration of drugs by patient name, drug identification, the date and time of administration, the manner of administration, dosage, the name of the medical command physician who gave the order to administer the drug and the name of person administering the drug.

(4) Maintaining records of drugs administered, lost or otherwise disposed of, and records of drugs received and replaced.

(5) Providing the pharmacy, physician or hospital that is requested to replace a drug, with a written record of the use and administration, or loss or other disposition of the drug, which identifies the patient and includes any other information required by law.

(6) Ensuring, in the event of an unexplained loss or theft of a controlled substance, that the dispensing pharmacy, physician or hospital has contacted local or State police and the Department's Drugs, Devices and Cosmetics Office, and has filed a DEA Form 106 with the Federal drug enforcement administration.

(7) Arranging for the original dispensing pharmacy, physician or hospital, or its ALS service medical director, to provide it consultation and other assistance necessary to ensure that it meets the requirements of this section.

[ (f) When drugs are administered, records shall verify the administration of the drug by patient name, drug identification, date and time of administration; dosage, name of physician who provided medical command and name of person administering the drug.

(g) When drugs are administered, an adequate record of use shall be maintained for a minimum of 2 years by the involved parties. Variations in maintaining records are acceptable; however, a process

shall be in effect which provides for the written verification of medication orders. Records shall be kept by each licensed service of drugs distributed, supplied and resupplied to them, and be made available to the Department for inspection upon demand.

(h) Drugs and medications administered by a licensed or certified EMT-paramedic or health professional shall be maintained and controlled in conformity with The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144) and the Pharmacy Act (63 P. S. §§ 390-1—390-13).

(i) A physician giving a medical command to an EMT-paramedic or health professional to administer a drug shall first identify the drug and then specify the dosage and the manner of administration.

(j) When a Schedule II controlled substance has been ordered and administered, the prescribing physician shall, within 72 hours, forward a signed prescription to the dispensing/replacing pharmacy, hospital or physician. The prescription for the controlled substance shall include the information required by law and the physician's DEA number.

(k) A hospital, physician or pharmacy may replace a drug, controlled substance or legend device to a licensed ambulance service upon presentation of a written record of use and administration. This written record shall include information required by law and patient identification.

(l) No licensed ambulance service may purchase or acquire legend drugs and controlled substances except as provided for in subsection (c).

(m) In the event of an unexplained loss or theft of controlled drugs, a dispensing hospital/pharmacy or physician shall contact local or State police or the State Bureau of Drug Control. In addition, a DEA Form 106 shall be filed with the Federal Drug Enforcement Administration. ]

§ 1005.12. [ Grounds for suspension, revocation or refusal of an ambulance service license ] Disciplinary and corrective actions.

(a) The Department may, in compliance with proper administrative procedure, **reprimand, or suspend, revoke or refuse to issue a license, or issue a provisional or temporary license as permitted by §§ 1005.8 and 1005.9 (relating to provisional license; and temporary license)** for the following reasons:

(1) A serious violation of the act or this part. A serious violation is one which poses a **continued** significant threat to the health and safety of the public.

\* \* \* \* \*

(4) Fraud or deceit in obtaining or attempting to obtain a license [ **or permit** ].

\* \* \* \* \*

(8) Failure to have appropriate medical equipment and supplies required for licensure as identified in § 1005.10(c) (relating to licensure **and general operating standards**).

(9) Failure [ **to staff a sufficient number of certified or licensed personnel to provide service 24 hours a day, 7 days a week, or failure to provide**

agreements as per § 1005.10(e)(2) ] of an ALS ambulance service to staff a sufficient number of qualified EMS personnel to provide service 24 hours-a-day, 7 days-a-week in accordance with required staffing standards.

\* \* \* \* \*

(15) Refusal to render EMS because of a patient's race, sex, creed, [ **National** ] national origin, sexual preference, age, handicap, medical problem or financial inability to pay.

(16) Failure to comply with the regional EMS council transfer and medical treatment protocols [ , plans, policies and procedures ] which have been approved by the Department.

\* \* \* \* \*

(18) [ A consistent pattern of a failure to respond to emergency calls within a 10 minute time period. ] Repeated failure by an ambulance service to communicate with the PSAP or comply with the dispatch communication as required by § 1005.10(e).

[ (19) Other reasons as determined by the Department to pose a significant threat to the health and safety of the public. ]

(b) Upon receipt of a written complaint describing [ specific violations of the ambulance regulations ] conduct for which the Department may take disciplinary action against an ambulance service, the Department will:

\* \* \* \* \*

(2) [ **Notify** ] Provide the ambulance service with a copy of the [ **charges** ] complaint and [ **investigation procedures** ] request a response unless the Department determines that disclosure to the ambulance service of the complaint will compromise the investigation or would be inappropriate for some other reason.

(3) [ **Conduct and develop** ] Develop a written report of the investigation.

(4) Notify the [ **ambulance service** ] complainant of the results of the investigation of the complaint, as well as the ambulance service if the ambulance service has been officially apprised of the complaint or investigation. This notification does not include providing a copy of the written report developed under paragraph (3).

(c) [ The Department will immediately suspend, after a hearing has been held, the license for the violations specified in subsection (a)(1), (6), (11), (15) and (17). This suspension shall be for a period of up to 90 days. A second offense of these enumerated violations during the same license period shall result in the automatic revocation of the license.

(1) The Department will suspend the license for other violations for a period to be determined by the Department. The Department may revoke a license for repeated violations.

(2) Upon suspension or revocation of an ambulance license, the service shall cease operations and no person may permit or cause the service to continue.

(3) ] The Department will provide public notification of [ **suspension or revocation of** ] the sanction it imposes upon an ambulance service license.

#### § 1005.13. Removal of ambulances from operation.

(a) When a vehicle manifests evidence of a mechanical or equipment deficiency which poses a significant threat to the health or safety of patients or crew, [ **it** ] the ambulance service shall [ **be** ] immediately [ **suspended** ] suspend the vehicle from operation. No vehicle, which has been suspended from operation, may be operated as an ambulance until the deficiency has been corrected.

(b) When a vehicle, upon examination by the Department, manifests evidence of a mechanical or equipment deficiency which poses a significant threat to the health or safety of patients or crew, it shall be immediately suspended from operation as directed by the Department. No vehicle, which has been suspended from operation by the Department, may be operated as an ambulance until the Department has certified that the deficiency has been corrected.

#### § 1005.14. Invalid coaches.

\* \* \* \* \*

(b) The terms "ambulance," "emergency [ , ]" or other similar designations may not be used by invalid coaches. Invalid coaches may not be equipped with emergency warning devices, audible or visible, such as flashing lights, sirens, air horns or other devices except those which are required by 75 Pa.C.S. [ §§ 101—9910 ] (relating to [ **the** ] Vehicle Code).

#### § 1005.15. Discontinuation of service.

An ambulance service may not discontinue service, except upon order of the Department, without providing each regional EMS council, PSAP and the chief executive officer of each political subdivision within its service area 90 days advance notice. The ambulance service shall also advertise notice of its intent to discontinue service in a newspaper of general circulation in its service area at least 90 days in advance of discontinuing service, and shall provide the Department with written notice that it has met these responsibilities at least 90 days in advance of discontinuing service.

### CHAPTER 1007. LICENSING OF AIR AMBULANCE SERVICES—ROTORCRAFT

#### § 1007.1. General provisions.

(a) [ **Except as provided in subsection (c), no agency or** ] This chapter applies to air ambulance services. No person [ **either** ], or other entity, as owner, agent or otherwise, may furnish, operate, conduct, maintain, advertise, engage in or profess to engage in providing an air ambulance service in this Commonwealth, unless the agency or person holds a [ **current valid** ] license as an air ambulance service issued by the Department or is exempted from these prohibitions under the act.

(b) The Department will license an applicant as an air ambulance service when it meets the requirements of the act and this part.

(c) [ **Air ambulance services operated by hospitals** ] A hospital licensed under Chapter 8 of the Health

Care Facilities Act (35 P. S. §§ 448.801—448.820) **[are]** is not required to obtain a separate air ambulance service license to own and operate an air ambulance service. **[The]** An air ambulance service owned and operated by a hospital is subject to the act and this part, and shall be inspected under this part, regardless of whether the hospital applies for or secures licensure as an air ambulance service.

(d) The Department will issue a **[permit]** certificate acknowledging a hospital's authority to own and operate an air ambulance **[services operated by hospitals]** service if the hospital chooses to operate an air ambulance service without securing a separate license to do so.

(e) Sections 1005.3—1005.5, 1005.7a, 1005.8, 1005.9, 1005.11, 1005.13 and 1005.15, which apply to ground ALS ambulance services, also apply to air ambulance services.

#### § 1007.2. Applications.

(a) **[An application for a license to operate an air ambulance service may be obtained from the Pennsylvania Department of Health, Division of Emergency Medical Services, Post Office Box 90, Harrisburg, Pennsylvania 17108.**

(b) **[An application for an original or renewal license to operate as an air ambulance service shall [be submitted to the Department and shall] contain the following information, as well as any additional information that may be solicited by the application form:**

(1) The name and address of the **[vendor of the air ambulance service or proposed ambulance service]** applicant and the name **[and address]**, if different, under which the **[service will be operating]** applicant intends to operate.

(2) The **[name, address and]** FAA certification number of the aircraft operator.

(3) **[The experience and qualifications of the applicant to operate an air ambulance service]** The type of organization—profit or nonprofit.

(4) A description of each aircraft to be used as an air ambulance, including the make, model, year of manufacture, FAA registration number, name, monogram or other distinguishing designation and FAA air worthiness certification.

(5) The **[geographical]** intended emergency medical service area and the location and description of the places from which the air ambulance service is to operate.

(6) The name, training and qualifications of the air ambulance medical director**[, who has responsibility for auditing the medical care provided by the air ambulance service]**.

(7) A personnel roster **[of medical personnel]** which includes level of certification **[or]**, licensure and recognition, and a staffing plan.

\* \* \* \* \*

(9) **[A statement in which the applicant agrees to provide patient specific data, as identified by the**

**Department, to the Department]** The communications access and capabilities of the applicant.

(10) **[Other information the Department deems necessary and prescribes as part of the application]** A statement attesting to the veracity of the application, which shall be signed by the chief executive officer.

(b) The applicant shall submit the application to the regional EMS council exercising responsibility for the EMS region in which the applicant will station its air ambulances if licensed.

(1) The regional EMS council shall review the application for completeness and accuracy.

(2) Incomplete applications shall be returned by the regional EMS council to the applicant within 14 days of receipt.

(c) Upon receipt of a complete application, the regional EMS council will schedule and conduct an onsite inspection of the applicant's air ambulances, equipment and personnel qualifications, as well as other matters that bear upon whether the applicant satisfies the statutory and regulatory criteria for licensure. The inspection shall be performed within 45 days after receipt by the regional EMS council of the completed application.

(d) An air ambulance service shall apply for an amendment of its license and secure Department approval of the amendment prior to commencing the operation of an air ambulance not previously inspected and approved by the Department or substantively altering its plan for locating and operating air ambulances, except that if the air ambulance service is replacing an air ambulance, at the same location, it may operate the air ambulance immediately, apply for an amendment within 10 days, and continue to operate the air ambulance unless its authority to do so is disapproved by the Department following inspection.

#### § 1007.3. [Licenses] (Reserved).

**[ (a) Within 30 days of receipt of an appropriately completed application from the air ambulance service applicant, the Department will initiate the licensure process.**

(b) The Department will issue a regular license to operate an air ambulance service after an onsite inspection and review conducted by the Department indicates that the applicant's service is in compliance with the act, this part, other applicable laws and the regional EMS plan for the areas to be served.

(c) An air ambulance license will be issued for 3 years from the date of issue and will remain valid for that period of time unless revoked or suspended by the Department. Annual inspections shall be conducted to assure compliance.

(d) Change of ownership requires reapplication for a license. An air ambulance service licensee shall file with the Department an application for renewal of the ambulance service license within 10 business days of acquisition of the service by the new owner.

(e) Change of aircraft operator requires submission of supplemental information to the Department within 10 business days of the effective date

of the operator change. The licensee shall provide the Department with new information required under § 1007.2(b)(2), (4) and (7) (relating to applications). The Department may inspect the aircraft operator and each aircraft to assure compliance with appropriate provisions of this part before the license is renewed.

(f) Upon change of aircraft during the licensing period, another application for an air ambulance license shall be submitted to the Department on the form prescribed. If the change of aircraft is for a temporary period, not to exceed 30 days, the air ambulance service shall only notify the Department of the change and the reasons.

(g) The current license shall be posted in a conspicuous place in the air ambulance service's operations center and on or in the aircraft where it is clearly visible. ]

§ 1007.4. [ Renewal of air ambulance license ] (Reserved).

[ (a) The Department will notify the applicant service at least 90 days prior to the expiration date of the license. The notification will include a renewal application.

(b) The applicant shall submit to the Department the renewal application postmarked at least 60 days prior to the expiration of the license.

(c) The criteria for license renewal are the same as the current requirements for original licensure. ]

§ 1007.5. [ Inspections ] (Reserved).

[ (a) Upon the request of an agent of the Department during regular and usual business hours, or at other times when a reasonable belief that violations of this part may exist, a licensee shall:

(1) Produce for inspection records maintained under § 1001.41(c) (relating to data and information requirements for ambulance services).

(2) Produce for inspection personnel and other employment records that pertain to certification of personnel, staffing, equipment and mutual aid agreements.

(3) Permit the agent to examine required equipment and recordkeeping facilities for information collected under § 1001.41(c).

(b) The Department's agent shall advise the licensee that the inspection is being conducted under section 12(k) of the act (35 P. S. § 6932(k)) and this chapter.

(c) The Department reserves the right to enter and make the inspections at least quarterly, and at other times upon complaint or a reasonable belief that violations of this part may exist.

(d) Failure of a licensee to produce records for inspection or to permit examination of equipment and facilities is grounds for suspension, revocation or denial of license. ]

§ 1007.6. [ Notification of deficiencies ] (Reserved).

[ (a) Within 30 days of an inspection, the air ambulance service and the regional EMS council shall be notified as to deficiencies found and the results of the inspection.

(b) The ambulance service has 30 days in which to respond to the Department with a plan to correct deficiencies and schedule a reinspection. The plan of correction shall be approved by the Department. If the plan is approved, the Department will schedule a reinspection.

(c) Within 30 days of the reinspection, the Department will give written notice to the service of the findings regarding the deficiencies and the results of the reinspection. ]

§ 1007.7. Licensure and general operating requirements.

(a) *Documentation requirements.* An applicant for an air ambulance service license shall have the following documents available for the inspection by the Department:

(1) A roster of active personnel, including certification and recognition documentation with dates of expiration and identification numbers, and the plan for staffing the air ambulance service.

(2) Copies of prehospital ambulance call reports, or other formats on which those records are kept on patients treated or transported, if applicable.

(3) Call volume records from the previous year's operations, if applicable. These records shall include a record of each call received requesting the air ambulance service to respond to an emergency, as well as a notation of whether it responded to the call and the reason if it did not respond.

(4) Copies of the written policies required by this section.

(b) [ *Aircraft* ] *Air ambulance requirements.* [ *Aircraft operated by a licensed* ] An air ambulance [ *service* ] shall meet the following minimum requirements:

(1) The [ *aircraft* ] *air ambulance* shall be configured to carry at least one supine patient with sufficient access to the patient in order to begin and maintain ALS and other treatment modalities.

(2) The [ *aircraft* ] *air ambulance* design may not compromise patient safety in loading, unloading or during flight, and shall be equipped with either a cargo door or an entry that will allow loading and unloading the patient without excessive maneuvering.

(3) The [ *aircraft* ] *air ambulance* shall be climate controlled for the comfort of the patient.

(4) The [ *aircraft* ] *air ambulance* shall have adequate interior lighting so that medical care can be provided and patient status monitored without interfering with the pilot's vision.

(5) The [ *aircraft* ] *air ambulance* shall be configured so that the patient is isolated from the cockpit to minimize in-flight distractions to the pilot and to prevent interference with the pilot's manipulation of the flight controls.

\* \* \* \* \*

(7) [ *Survival* ] The *air ambulance* shall carry *survival* gear appropriate to the terrain and environment [ *shall be carried on flights* ].

(8) The [ *aircraft* ] *air ambulance* shall be equipped with appropriate patient restraints.

(9) The [ **aircraft** ] **air ambulance** shall be equipped with 110 [ **A** ] **V** electrical output with appropriate cabin outlets for medical equipment use.

(10) The [ **aircraft** ] **air ambulance** shall be equipped with two-way radios capable of communicating with hospital [ **communication** ] **communications** centers, [ **public safety communication centers** ] **PSAPs** and ambulances.

[ **(b)** ] (c) *Equipment and supply requirements.* [ **Approved** ] **Required** equipment and supplies shall be carried and readily available in working order for use on [ **aircraft operated by a licensed** ] **an** air ambulance [ **service** ]. The [ **minimum** ] list of **required** equipment and supplies for [ **aircraft** ] **an** air ambulance will be published by the Department [ **as a notice** ] in the *Pennsylvania Bulletin* on an annual basis.

[ **(c)** ] *Medications.* **Approved** medications and drugs shall be carried and available for administration to patients on aircraft operated by a licensed air ambulance service. The minimum list of medications and drugs for aircraft will be published by the Department as a notice in the *Pennsylvania Bulletin* on an annual basis.

(d) *Patient data.* Air ambulance services licensed to operate in this Commonwealth shall collect, maintain and report accurate and reliable patient data and information for calls for assistance in the format prescribed or on forms provided by the Department within the specified time period.

(1) The information collected shall include information identified in § 1001.41 (relating to data and information requirements for ambulance services).

(2) Air ambulance services licensed to operate in this Commonwealth shall meet the requirements of § 1001.41 and § 1001.42 (relating to dissemination of information). ]

[ **(e)** ] (d) *Personnel requirements.* [ **Air** ] **An** air ambulance [ **services** ] **service** shall meet the following requirements related to personnel and staffing:

(1) *Air ambulance medical director.* [ **The service** ] It shall [ **employ** ] have an air ambulance medical director who possesses the qualifications specified in § [ **1003.41(b)** ] (relating to air ambulance medical director) to serve as the medical director responsible for ] 1003.5(b) (relating to ALS service medical director) and performs the duties specified in § [ **1003.41** ] 1003.5(a). [ **If the air ambulance medical director leaves or is removed from service, a qualified replacement shall be hired within 30 days of the previous medical director's departure. The air ambulance service shall inform the Department of a change in air ambulance service medical directors within 30 days of a medical director's departure** ].

(2) *Pilot and prehospital personnel.* [ **The service** ] It shall assure that each air ambulance responding to a call for EMS services is staffed with at least one pilot and [ **two medical crew members who possess the minimum qualifications defined in §§ 1003.42(b) and 1003.43(b)** ] (relating to air ambulance medical crew members; and air ambulance pilot) ] prehospital

personnel as set forth in § 1005.10(d)(1)(ii) (relating to licensure and general operating standards). At least one of the [ **medical crew members** ] responding prehospital personnel shall be [ **either a physician or nurse** ] specially trained in [ **aeromedical** ] **air-medical** transport.

(3) *Other personnel requirements.*

(i) [ **The service** ] It shall keep a pilot and two [ **medical crew members** ] prehospital personnel staff as set forth in § 1005.10(d)(ii) available for the [ **aircraft** ] **air ambulance** at all times to assure immediate response to emergency calls.

[ **(4)** ] **The service shall have a communications center, operational 24 hours per day, 7 days per week and staffed with a communications specialist who has the minimum qualifications in § 1003.44(b) (relating to air ambulance communications specialist).** ]

[ **(5)** ] **The service** ] (ii) It shall require [ **that flight crew members** ] prehospital personnel who staff an air ambulance to undergo annual physical examinations to assure that they are physically able to perform their jobs.

(iii) Minimum staffing standards are satisfied when an air ambulance service has a duty roster that identifies staff who meet minimum staff criteria 24 hours-a-day, 7 days-a-week and who have committed themselves to be available at the specified times, and when minimum required staff are present during the emergency medical treatment and transport of a patient.

(e) *Communicating with ground PSAPs.*

(1) If requested by a ground PSAP, an air ambulance service shall apprise the PSAP as to when it will not be in operation, when weather conditions prevent or impede flight, and when its resources are already committed.

(2) An air ambulance service shall apprise the dispatching ground PSAP as soon as practical after receiving a dispatch call, its estimated time of arrival at the scene of the emergency. While its air ambulance is enroute to the scene of an emergency, if an air ambulance service believes that it will not be able to have an air ambulance and required staff arrive at the emergency scene within the estimated time of arrival previously given, the air ambulance service shall contact the ground PSAP and provide its new estimated time of arrival.

(f) [ *Policy requirements.* The air ambulance service shall have in place written policies as follows:

(1) ] *Access to air ambulance service.*

[ **(i)** ] (1) The air ambulance service shall have [ **in place a written policy which describes its policy regarding access to its service. This policy shall include the following information** ] a policy which addresses the following:

[ **(A)** ] (i) Who, in addition to a PSAP, may request air ambulance service.

[ **(B)** ] (ii) How its air ambulance services should be accessed.

[ (C) ] (iii) General and medical guidelines for personnel to consider prior to requesting **its** air ambulance services.

[ (D) ] (iv) \*\*\*

[ (E) ] (v) What level of EMS [ **are** ] **is** provided by the air ambulance service.

[ (F) ] (vi) \*\*\*

[ (G) ] (vii) \*\*\*

[ (ii) This ] (2) The air ambulance service shall disseminate this policy [ **shall be disseminated** ] to relevant health care providers in the air [ **ambulances's** ] ambulance service area.

[ (2) *Air ambulance pilot operational* ] (g) *Flight requirements.* [ This ] The air ambulance service shall [ **have in place a written policy governing pilot operational procedures which includes the following requirements** ] ensure that:

[ (i) The pilot shall make a ] (1) A determination to accept the flight **is** based solely on safety procedures and weather conditions.

[ (ii) ] (2) The [ **pilot shall proceed** ] air ambulance **proceeds** expeditiously and as directly as possible to the flight destination, considering the weather, appropriate safety rules, noise abatement procedures and flight path and altitude clearances.

[ (iii) ] (3) The [ **pilot shall** ] air ambulance **engages in flight** [ **follow** ] following with [ **a** ] an air communications center at intervals not to exceed 15 minutes. If the [ **aircraft** ] air ambulance is outside of radio range of the base communications center, adequate flight following shall be planned and executed.

[ (iv) ] (4) The [ **pilot is responsible for assuring that the aircraft air** ] ambulance is ready for flight at all times **when the air ambulance service has not reported to ground PSAPs that the air ambulance is unavailable to respond to emergencies.**

[ (3) ] (h) *Medical [ crew members' operational ] service requirements.* The air ambulance service shall [ **have in place a written policy governing medical crew members operational procedures which includes the following requirements** ] ensure that:

[ (i) ] (1) [ **Medical crew members are responsible for assuring that equipment/** ] Equipment and supplies required for an air ambulance flight are on the [ **aircraft** ] air ambulance and in working order prior to takeoff for patient transport.

[ (ii) ] (2) Medical [ **crew members shall provide** ] care and intervention **is provided** according to direct medical command or written protocols/standing orders.

[ (iii) Medical crew members shall maintain a ] (3) A patient treatment record **is maintained**, documenting medical care rendered by the medical flight crew and the disposition of the patient at the receiving medical facility. The patient treatment record shall be maintained at the base hospital.

[ (iv) Medical crew members shall evaluate each ] (4) Each patient **is evaluated** for potential adverse effects from flight operations.

[ (v) Medical crew members shall assure that the ] (5) The patient and equipment are secured during flight.

[ (4) ] (i) *Air ambulance medical director's operational requirements.* The air ambulance service shall have [ **in place** ] a [ **written** ] policy setting forth the air ambulance medical director's operational procedures which shall include procedures for at least the following:

[ (i) ] (1) [ **To assure that the medical condition or history of the patient is made known only to medical crew members, and other EMS providers who have participated in the delivery of patient care** ] The performance of responsibilities set forth in § 1003.5(a) (relating to ALS service medical director).

[ (ii) To assure adequate training and experience of medical flight crew members.

(iii) For developing ] (2) The development of medical treatment protocols for [ **use by medical crew members** ] the air ambulance service, [ **and** ] submitting them [ **for approval** ] to the regional EMS council medical [ **direction** ] advisory committee for its review and recommendations, and securing approval of the medical treatment protocols from the Department.

[ (iv) For establishing and operating a quality assurance program whereby the quality and appropriateness of patient care provided by the air ambulance service can be continuously documented, reviewed and evaluated.

(5) ] (j) *Communication center [ operational requirements ] arrangements.* The air ambulance service shall [ **have in place a written policy governing communication center operational procedures which includes the requirements that the communications center shall** ] ensure that it has access to an air communications center that meets the following standards:

[ (i) Have ] (1) Has a designated person—communications specialist—assigned to receive and dispatch requests for emergency air medical services and charged with the relay of information between the flight crew, requesting agency **and receiving** hospital.

[ (ii) Be ] (2) Is operational 24 hours [ **per** ]-a-day, 7 [ **days a week** ] days-a-week and [ **have** ] has radio capabilities to transmit to and receive from the air ambulance [ **aircraft** ]. At a minimum, 123.05 MHz, radio frequency shall be available.

[ (iii) Have ] (3) Has at least one incoming telephone line that is dedicated to the air ambulance service.

[ (iv) Have ] (4) Has a system for recording incoming and outgoing telephone and radio transmissions. The system shall have an inherent time recording capability and recordings shall be kept for a minimum of 30 days.

[ (v) Have ] (5) Has the capability of communicating with the flight crew so that the [ **aircraft** ] air ambulance may take off within the scheduled takeoff time.

[ (vi) Have ] (6) Has a backup emergency power source.

[ (vii) Maintain ] (7) Maintains a status board listing flight crew names and other pertinent operational information.

[ (viii) Have ] (8) Has copies of operational protocols and procedures, including emergency operation plans in the event of overdue, missing or downed aircraft.

[ (ix) Have ] (9) Has posted or displayed applicable licenses and permits.

[ (x) Maintain ] (10) Maintains current maps and navigational aids.

[ (6) *Communications specialist operational requirements.* The service shall have in place a written policy governing communication specialist operational procedures. The written policy shall include a requirement that the communication specialist document contains, at a minimum, the following information: ]

(11) Collects and maintains records of the following data:

\* \* \* \* \*

(ix) Other data pertinent to the **air ambulance** service's specific needs for completing activity review reports.

[ (g) ] (k) *Community education program requirements.*

\* \* \* \* \*

(2) The educational program shall include the following:

(i) [ **The service shall communicate** ] **Communication** to the public that the [ **emergency** ] **air [ medical ] ambulance** service accepts medically necessary calls from authorized personnel and does not discriminate against a person because of race, creed, sex, color, age, religion, [ **National** ] **national** origin, ancestry, medical problem, handicap or ability to pay.

(ii) A safety program covering landing site designation and safe conduct around the [ **aircraft** ] **air ambulance**, **which** shall be offered to appropriate agencies and individuals.

(iii) Training regarding stabilization and preparation of the patient for airborne transport, **which** shall be provided to prehospital [ **EMS** ] personnel.

(iv) [ **The service shall institute a** ] **An** active community relations program.

(l) *Medical command notification.* An **air ambulance service** shall identify, to the regional EMS council having responsibility in the region out of which it operates, the prehospital personnel used by it that have medical command authorization in the region for that air ambulance service. The service shall also notify the regional EMS council when a prehospital practitioner loses medical command authorization for that air ambulance service.

(m) *Monitoring compliance.* An **air ambulance service** shall monitor compliance with the requirements that the act and this part impose upon the air ambulance service and its staff.

(n) *Policies and procedures.* An **air ambulance service** shall maintain written policies and procedures addressing each of the requirements imposed by this section, as well as the requirements imposed by §§ 1001.41, 1001.42 and 1001.65 (relating to

**data and information requirements for ambulance services; dissemination of information; and cooperation), and shall also maintain written policies and procedures addressing infection control, management of personnel safety, and the placement and operation of its air ambulances.**

§ 1007.8. [ **Grounds for suspension, revocation or refusal of an air ambulance license** ] **Disciplinary and corrective actions.**

(a) The Department may, in compliance with proper administrative procedure, **reprimand, or suspend, revoke or refuse to issue a license, or issue a provisional or temporary license as permitted by §§ 1005.8 and 1005.9 (relating to provisional license; and temporary license)** for the following reasons:

(1) A serious violation of the act or this part. A serious violation is one which poses a **continued** significant threat to the health and safety of the public.

\* \* \* \* \*

(4) Fraud or deceit in obtaining or attempting to obtain a license [ **or permit** ].

\* \* \* \* \*

(7) Failure to secure an air ambulance medical director and ensure that the air ambulance medical director [ **meets the roles and** ] **exercises the** responsibilities in § [ **1003.41(a) (relating to air ambulance medical director)** ] **1003.5(a) (relating to ALS service medical director).**

(8) Failure to have appropriate medical equipment and supplies required for licensure as identified in § 1007.7(b) (relating to licensure **and general operating** requirements).

\* \* \* \* \*

(11) Failure to employ a sufficient number of certified, **recognized** or licensed personnel to provide service 24 hours [ **per** ]-a-day, 7 [ **days a week** ] **days-a-week.**

(12) Failure of the air [ **medical** ] **ambulance** service to be available 24 hours [ **per** ]-a-day, 7 [ **days a week** ] **days-a-week** to authorized callers within the service area. Exceptions to this requirement include unsafe weather conditions, commitment to another flight, grounding due to maintenance or other reasons that would prevent response. The air [ **medical** ] **ambulance** service shall maintain a record of each failure to respond to a request for service, and make the record available upon request to the Department. Financial inability to pay does not constitute sufficient grounds to deny response for emergency air service.

(13) Failure [ **of an air ambulance service licensee** ] to notify the Department of the change of ownership or aircraft operation.

\* \* \* \* \*

(18) Refusal to render EMS because of a patient's race, sex, creed, [ **National** ] **national** origin, sexual preference, age, handicap, medical problem or financial inability to pay.

(19) Failure to comply with regional EMS council **transfer and medical treatment** protocols.

\* \* \* \* \*



(21) [ Other reasons as determined by the Department which pose a significant threat to the health and safety of the public ] Repeated failure to communicate with a PSAP as required by § 1007.7(e).

(b) Upon receipt of a written complaint describing [ specific violations of this chapter ] conduct for which the Department may take disciplinary action against an air ambulance service, the Department will:

\* \* \* \* \*

(2) [ Notify ] Provide the air ambulance service with a copy of the [ charges ] complaint and [ investigation procedures ] request a response unless the Department determines that disclosure to the air ambulance service of the complaint will compromise the investigation or would be inappropriate for some other reason.

(3) [ Conduct and develop ] Develop a written report of the investigation.

(4) Notify the [ air ambulance service ] complainant of the results of the investigation of the complaint, as well as the air ambulance service if the air ambulance service has been officially apprised of the complaint or investigation. This notification does not include providing a copy of the written report developed under paragraph (3).

[ (c) The Department will immediately suspend the license for the violations specified in § 1005.12(a)(1), (6), (11), (15) and (17) (relating to grounds for suspension, revocation or refusal of an ambulance service license). This suspension shall be for a period of up to 90 days. A second offense during the same license period shall result in the automatic revocation of the license.

(d) The Department will suspend the license for other violations for a period to be determined by the Department. The Department may revoke a license for repeated violations.

(e) Upon suspension or revocation of an air ambulance license, the service shall cease operations and no person may permit or cause the service to continue.

(f) [ (c) The Department will provide public notification of [ suspension, including the length of suspension period or revocation of ] sanctions it imposes upon an air ambulance service license.

[ (g) Upon suspension or revocation of an air ambulance license, the service shall cease operations and no person may permit or cause the service to continue. ]

§ 1007.9. [ Voluntary discontinuation of service ] (Reserved).

[ (a) Air ambulance service licenses may not voluntarily discontinue service until 90 days after the licensee notifies the Department in writing that the service is to be discontinued.

(b) Notice to the Department shall include a statement that the licensee has notified the chief executive officer of each political subdivision in the licensee's ambulance service area and that the

intent to discontinue service has been advertised in a newspaper of general circulation in the service area.

(c) The air ambulance service licensee shall notify the Department in advance of anticipated temporary discontinuance of service expected to last for at least 7 consecutive days. ]

#### CHAPTER 1009. [ EMS ] MEDICAL COMMAND [ MEDICAL ] FACILITIES

§ 1009.1. [ Accreditation and operational ] Operational criteria.

[ Medical command facilities shall be accredited by the Department ]. To qualify [ for accreditation ] as [ an EMS ] a medical command facility, an institution shall [ demonstrate that it complies ] comply with the following criteria [ related to personnel, capabilities, procedures and programs by ]:

(1) [ Employing ] Employ a [ physician ] medical command facility medical director who meets the requirements specified [ at ] in § 1003.3(b) (relating to medical command facility medical director) [ for a medical command facility medical director ].

(2) [ Employing ] Employ sufficient staff to ensure that at least one approved medical command physician, meeting the requirements [ of ] in § 1003.4(b) (relating to medical command physician), is present in the facility 24 hours [ per ] a-day, 7 days [ per ] a-week.

(3) [ Possessing communication capabilities and recordkeeping protocols that provide for the following ] Satisfy the following communication and recordkeeping requirements:

\* \* \* \* \*

(ii) Communication by way of telecommunications equipment/radios with BLS and ALS units within the [ respective medical service ] area in which medical command is exercised.

\* \* \* \* \*

(iv) Maintenance of a medical command record, containing [ specific ] appropriate information on patients for whom medical command is sought.

\* \* \* \* \*

(4) [ Demonstrating the capacity to accurately ] Accurately and promptly relay information regarding patients to the appropriate receiving [ hospital ] facility.

(5) [ Adhering ] Adhere to [ transportation instruction and hospital assignment ] transfer and medical treatment protocols established by the regional EMS council, or, when dealing with an air ambulance service, as approved by the Department.

(6) [ Establishing ] Establish a program of regular case audit conferences involving the medical command facility medical director or [ his ] the director's designee and prehospital personnel for purposes of problem identification, and a process to correct identified problems.

(7) **[Obtaining]** Obtain a contingency agreement with at least one other medical command facility to assure availability of medical command.

(8) **[Establishing]** Establish internal procedures that comply with regional EMS transfer and medical treatment protocols **[developed by the respective regional EMS council]**.

(9) Notify PSAPs, through which it routinely receives requests for medical command, when it will not have a medical command physician available to provide medical command.

(10) Establish a plan to ensure that medical command is available at all times during mass casualty situations, natural disasters and declared states of emergency.

(11) **[Participating]** Participate in the **[respective]** regional EMS council's quality **[assurance programs]** improvement program for monitoring the delivery of EMS.

**[(10) Adopting]** (12) Adopt procedures for maintaining medical command communication records and tapes under § 117.43 (relating to medical records).

**[(11) Employing]** (13) Employ sufficient administrative support staff to enable the institution to carry out its essential duties which include, but are not limited to: audits, **[continuing education,]** equipment maintenance and processing and responding to complaints.

**[(12) Establishing]** (14) Establish a program of training **[and continuing education]** for medical command physicians, prehospital personnel and emergency department staff.

(15) Provide medical command to prehospital personnel whenever they seek direction.

§ 1009.2. **[Accreditation]** Recognition process.

(a) **[Regional EMS councils shall recommend to the Department those facilities which meet the criteria for accreditation. If the applying facility disagrees with the recommendation of the regional EMS council, it may submit a written request for reconsideration by the council.]**

(b) The Department has 60 days to accredit or deny accreditation from the time of receipt of the regional EMS council's recommendation.

(c) Denial of accreditation shall be based on cause.

(d) The Department may review and inspect facilities to aid in accreditation decisions.

(e) If the applying facility disagrees with the decision by the Department, an appeal may be filed under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). ]

To qualify for the civil immunity protection afforded by section 11(j)(4) of the act (35 P.S. § 6931(j)(4)), a facility shall secure recognition as a medical command facility from the Department. To secure recognition as a medical command facility, a facility shall submit an application to the Department through a regional EMS council exercising responsibility for an EMS region in which the applicant intends to provide medical command through medical medical command physicians who

function under its auspices. Application for medical command facility recognition shall be made on forms prescribed by the Department.

(b) The regional EMS council shall review the application for completeness.

(c) If the application is complete, the regional EMS council shall conduct an onsite inspection of the applying facility to verify information contained within the application and to complete a physical inspection of the medical command area.

(d) After completing its review, the regional EMS council shall forward a copy of its recommendation to the Department and to the applying facility. If the applying facility disagrees with the recommendation of the regional EMS council, it may submit a written rebuttal to the Department.

(e) The Department will review the application, information and recommendation submitted by the regional EMS council, and the rebuttal statement, if any, submitted by the applying facility, and will make a decision within 60 days from the time of its receipt of the regional EMS council's recommendation to grant or deny recognition.

(f) The Department may review and inspect facilities to aid it in making medical command facility recognition decisions.

(g) If the applying facility disagrees with the decision by the Department, it may appeal the decision under 1 Pa. Code § 35.20 (relating to appeals from actions of the staff) if the decision was not issued by the agency head as defined in 1 Pa. Code § 31.3 (relating to definitions) and, if it disagrees with the decision of the agency head, it may file an appeal under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law).

(h) Recognition as a medical command facility will be valid for 3 years. A facility shall file an application for renewal of its recognition as a medical command facility 60 days prior to expiration of the medical command facility's recognition from the Department. Failure to apply for renewal of recognition in a timely manner may result in the facility having a lapse in the civil immunity protection afforded by section 11(j)(4) of the act.

§ 1009.3. **[Continuity of medical command]** (Reserved).

**[A facility recognized by the regional EMS council as a medical command facility as of July 1, 1989 shall continue to be accredited until July 1, 1991, or until surveyed by the Department, whichever comes first.]**

§ 1009.4. **[Suspension/revocation of accreditation]** Withdrawal of medical command facility recognition.

(a) The Department may **[suspend accreditation for up to 90 days for the following reasons:**

(1) Failure to comply with regional EMS council protocols or guidelines.

(2) Violation of accreditation criteria in § 1009.1 (relating to accreditation and operational criteria).

(3) Failure to cooperate in the data collection and retrieval procedures required by the Department.

(4) Other reasons deemed appropriate by the Department.

(b) A medical command facility shall correct the deficiencies that were cited by the Department as reasons for suspension by the end of the suspension period set by the Department.

(c) The Department may revoke accreditation for failure to correct deficiencies within the suspension period ] withdraw medical command facility recognition if the facility fails to continue to meet the standards for a medical command facility in § 1009.1 (relating to operational criteria).

(b) The Department will conduct inspections of a medical command facility from time to time, as deemed appropriate and necessary, including when necessary to investigate a complaint or a reasonable belief that violations of this part may exist.

(c) If the facility fails to continue to meet the standards for a medical command facility in § 1009.1, as an alternative to rescinding medical command facility recognition, the Department may request the facility to submit a plan of correction to correct the deficiencies. The procedures are as follows:

(1) The Department will give written notice to the facility and the regional EMS council of the deficiencies.

(2) The facility shall have 30 days in which to respond to the Department with a plan to correct the deficiencies.

(3) The Department will review the plan of correction and, if the plan is found to be acceptable, the Department may make an onsite reinspection in accordance with the time frame given in the plan of correction.

(4) Within 30 days after the review of the plan of correction, as well as 30 days after the reinspection, the Department will give written notice to the facility and the regional EMS council of the results of the Department's review of the plan of correction and reinspection.

(d) Upon receipt of a written complaint describing conduct for which the Department may withdraw medical command facility recognition, the Department will:

(1) Initiate an investigation of the specific charges.

(2) Provide the medical command facility with a copy of the complaint and request a response unless the Department determines that disclosure to the medical command facility of the complaint will compromise the investigation or would be inappropriate for some other reason.

(3) Develop a written report of the investigation.

(4) Notify the complainant of the results of the investigation of the complaint, as well as the medical command facility if the medical command facility has been officially apprised of the complaint or investigation. This notification does not include providing a copy of the written report developed under paragraph (3).

§ 1009.5. [ Biennial review ] Review of [ accredited ] medical command facilities.

The regional EMS councils shall conduct a [ biennial ] review of medical command facilities as requested by the Department, and at other times may inspect [ accredited ], medical command facilities. These reviews and inspections shall be conducted to audit for continued compliance with, at a minimum, the criteria in § 1009.1 (relating to [ accreditation and ] operational criteria) as directed by the Department.

§ 1009.6. Discontinuation of service.

A medical command facility may not discontinue medical command operations without providing 60 days advance written notice to the Department, regional EMS councils responsible for regions in which the medical command facility routinely provides medical command and providers of EMS for which it routinely provides medical command.

#### CHAPTER 1011. ACCREDITATION OF TRAINING INSTITUTES

§ 1011.1. BLS and ALS training institutes.

(a) *Eligible entity.* A BLS and an ALS training institute shall be accredited by the Department. A [ BLS ] training institute shall be a secondary or postsecondary institution, hospital, regional EMS council or another entity which meets the criteria in this part.

(b) [ *Accreditation criteria.* To qualify for accreditation as a BLS training institute, an entity shall demonstrate compliance with the following:

(1) *Criteria ] Training programs.*

(1) [ The ] A BLS training institute shall evidence the ability to conduct one or more of the following training programs approved by the Department:

(i) Emergency Medical Technician [ -Ambulance ] Course [ , National Standard Curriculum.

(ii) Emergency Medical Technician Refresher Course, National Standard Curriculum.

(iii) Emergency Medical Services ( ) (iii) EMS [ ] First Responder Course [ , First Edition or amendments and revisions thereto ].

[ (iv) EMS First Responder Refresher Course.

(v) EMT Instructor Training Program, National Standard Curriculum ].

(2) An ALS training institute shall evidence the ability to conduct one or more of the following training programs approved by the Department:

(i) Emergency Medical Technician-Paramedic Course.

(ii) Prehospital Registered Nurse Course.

[ (2) ] (c) *Personnel.*

[ (i) ] (1) *Medical director.*

[ (A) An ] (i) A training institute shall have a medical director who is a physician [ licensed in this Commonwealth ]. The medical director shall be experienced in emergency medical care, and shall have demonstrated ability in education [ / ] and administration.

[ (B) ] (ii) The responsibilities of the medical director shall include:

[ (I) Assuring that the ] (A) Reviewing course content [ is in ] to ensure compliance with this part.

[ (II) Assisting with ] (B) Reviewing and approving the training institute's criteria for the recruitment, selection and orientation of training institute faculty.

[ (III) ] (C) \*\*\*

(D) Reviewing the quality and medical content of the education, and compliance with protocols.

(E) Participating in the review of new technology for training and education.

(iii) Additional responsibilities for a medical director of an ALS training institute include:

(A) Approving the content of course written and practical skills examinations.

(B) Identifying and approving facilities where students are to fulfill clinical and field internship requirements.

(C) Identifying and approving individuals to serve as field and clinical preceptors to supervise and evaluate student performance when fulfilling clinical and field internship requirements.

(D) Signing skill verification forms for students who demonstrate the knowledge and skills required for successful completion of the training course and entry level competency for the prehospital practitioner for which the training course is offered.

[ (ii) ] (d) *Administrative director.*

[ (A) ] (1) A BLS training institute shall have an administrative director who [ is a currently certified EMT and ] has at least 1 year experience in administration and 1 year experience in prehospital care.

(2) An ALS training institute shall have an administrative director who has at least 1 year experience in administration and 1 year experience in ALS prehospital care.

[ (B) ] (3) Responsibilities of the administrative director include ensuring:

[ (I) Application ] (i) The adequacy of the system for processing student applications and [ oversight ] of the student selection process.

[ (II) Class scheduling and assignment ] (ii) The adequacy of the process for the screening and selection of instructors for the training institute.

[ (III) Preparation, maintenance and ] (iii) The institute maintains an adequate inventory of necessary training equipment and that the training equipment is properly prepared and maintained.

[ (IV) Administration ] (iv) The adequate administration of the course and written and practical skills examinations involved in the course.

[ (V) Maintenance ] (v) There is an adequate system for the maintenance of student records and files.

[ (VI) ] (vi) [ Student/faculty liaison ] There is an appropriate mechanism to resolve disputes between students and faculty.

[ (iii) ] (e) *Course coordinator.*

[ (A) ] (1) The [ BLS ] training institute shall designate a course coordinator for each training course [ of instruction ] conducted by the training institute. [ The coordinator shall possess certification as an EMT instructor, and shall have other qualifications as prescribed by the Department's Prehospital Personnel Training Manual. ]

(2) A course coordinator shall have:

(i) Reading and language skills commensurate with the resource materials to be utilized in the course.

(ii) Knowledge of the Statewide BLS medical treatment protocols.

(3) A course coordinator for an ALS training course shall also satisfy the following requirements:

(i) One year experience in ALS prehospital care.

(ii) One year experience as an EMT-paramedic or a health professional, or as a supervisor of ALS prehospital care.

(iii) Have knowledge of the ALS transfer and medical treatment protocols for the region.

[ (B) The ] (4) A course coordinator is responsible for the management and supervision of each [ BLS ] training course offered by the training institute for which he serves as a course coordinator.

[ (C) ] (5) Specific duties of [ the ] a course coordinator [ also include:

(I) Scheduling and supervising course instructors.

(II) Scheduling and supervising student clinical observation activities.

(III) Completing course records, including individual student performance summaries and scores.

(IV) Providing counseling services to students ] shall be assigned by the training institute.

(6) One person may serve both as the administrative director and a course coordinator.

[ (iv) ] (f) *Instructors.*

[ (A) ] (1) A [ BLS ] training institute shall ensure the availability of qualified and responsible instructors for each training course. [ Instructors shall meet the qualifications required by § 1003.23(e) (relating to EMT). ]

(2) An instructor shall be 18 years of age or older, and possess a high school diploma or GED equivalent.

(3) At least 75% of the instruction provided in training courses shall be provided by instructors who are health professional physicians or prehospital personnel and who have at least 1 year of experience as a health professional physician or a prehospital practitioner above the level of a first responder and at or above the level they are teaching, and have completed an EMS instructor course approved by the Department or possess a bachelor's degree in education or a teacher's certification.

tion in education; or be determined by a review body of the training institute to meet or exceed these standards.

(4) An instructor who does not satisfy the requirements in paragraph (3) shall be qualified to provide the instructional services offered as determined by the training institute after consulting the Prehospital Practitioner Manual and with the appropriate regional EMS council.

[ (B) ] (5) \*\*\*

[ (v) *Other faculty.* A BLS training institute may use the instructional services of other personnel as may be deemed appropriate, subject to approval by the regional EMS council. ]

(g) *Clinical preceptors.*

(1) An ALS training institute shall ensure the availability of clinical preceptors for each training course.

(2) A clinical preceptor is responsible for the supervision and evaluation of students while fulfilling clinical requirements for a training program.

(h) *Field preceptors.*

(1) An ALS training institute shall ensure the availability of field preceptors for each student.

(2) A field preceptor is responsible for the supervision and evaluation of students while fulfilling a field internship for a training program.

[ (3) ] (i) *Facilities and equipment.* A training institute shall:

[ (i) *The institute shall maintain* ] (1) Maintain facilities necessary for the provision of [ BLS ] training courses. The facilities shall include classrooms and space for equipment storage, and shall be of sufficient size to conduct didactic and practical skill performance sessions. [ *The regional EMS council is responsible for determining the appropriateness of the facilities provided.* ]

[ (ii) *The institute shall provide* ] (2) Provide and maintain the essential equipment and supplies [ as ] to administer the course. These shall be identified in the [ Department's ] Prehospital Personnel [ Training ] Manual.

[ (4) ] (j) *Operating procedures.* A training institute shall:

[ (i) *The institute shall adopt* ] (1) Adopt and implement [ the Department's ] a nondiscrimination policy with respect to student selection and faculty recruitment.

[ (ii) *A file shall be maintained* ] (2) Maintain a file on each enrolled student [ to include ] which includes class performance, practical and written examination results, and reports made concerning the progress of the student during the training program.

[ (iii) *The institute shall provide* ] (3) Provide a mechanism by which students may grieve decisions made by the institute regarding dismissal or other disciplinary action. [ *The grievance procedure shall be subject to approval by the regional EMS council.* ]

[ (iv) *Students shall be provided* ] (4) Provide students with a clear description of the program and its content, including learning goals, course objectives and competencies to be attained.

[ (v) *The institute shall evidence compliance with policies contained in the Department's Prehospital Personnel Training Manual.* ]

(5) Have a policy regarding the transfer of a student into or out of a training program from one training institute to another.

(6) Have a continuing quality improvement process in place for students, instructors, and clinical evaluation.

§ 1011.2. [ ALS training institutes ] (Reserved).

[ (a) *Eligible entity.* An ALS training institute shall be accredited by the Department. An ALS training institute shall be a secondary or a postsecondary institution, hospital, EMS council or another entity which meets the criteria in this part.

(b) *Criteria.* To qualify for accreditation as an ALS training institute, an entity shall demonstrate compliance with the following:

(1) *Training programs.* The institute shall evidence the ability to conduct one or more of the following training programs approved by the Department.

(i) Emergency Medical Technician-Paramedic Course, National Standard Curriculum.

(ii) Emergency Medical Technician-Paramedic Refresher Course, National Standard Curriculum.

(iii) Health professional.

(2) *Administration.*

(i) *Medical director.*

(A) An institute shall have a medical director who is a physician licensed in this Commonwealth. The medical director shall be experienced in emergency medical care, and shall have demonstrated ability in education/ administration.

(B) The responsibilities of the medical director include:

(I) Assuring that the course content is in compliance with this part.

(II) Assisting with the recruitment, selection and orientation of training institute faculty.

(III) Providing technical advice and assistance to training institute faculty and students.

(IV) Approving the content of written and practical skills examinations.

(V) Identifying and approving facilities and ALS services where students can fulfill clinical and field internship requirements.

(VI) Identifying and approving individuals who will serve as field and clinical preceptors for supervising and evaluating student performance when fulfilling clinical and field internship requirements.

(ii) *Administrative director.*

(A) The administrative director shall have at least 1 year of experience in administration and 1 year of experience in ALS prehospital care education.

(B) Responsibilities of the administrative director include:

(I) Application processing and oversight of the student selection process.

(II) Class scheduling and assignment of instructors.

(III) Preparation, maintenance and inventory of necessary training equipment.

(IV) Administration of written and practical skill examinations.

(V) Maintenance of student records and files.

(VI) Student/faculty liaison.

(iii) *Course coordinator.*

(A) The ALS training institute shall designate a course coordinator for each course of instruction conducted by the training institute. The coordinator shall be a currently certified EMT-paramedic or health professional as defined in this part, and shall have other qualifications prescribed by the Department's Prehospital Personnel Training Manual.

(B) The course coordinator is responsible for the management and supervision of each ALS training course offered by the training institute.

(C) Specific duties of the course coordinator also include:

(I) Scheduling and supervising course instructors.

(II) Scheduling and supervising student clinical observation activities and field internships.

(III) Completing course records, including individual student performance summaries and scores.

(IV) Providing counseling services for students.

(iv) *Instructors.*

(A) The ALS training institute shall ensure the availability of instructors for each course.

(B) An instructor shall be experienced in the education of individuals at the ALS level, and approved by the course medical director as qualified to teach those sections of the course to which the instructor is assigned.

(C) An instructor is responsible for presenting course materials in accordance with the curriculum established by this part.

(v) *Clinical preceptors.*

(A) The ALS training institute shall ensure the availability of clinical preceptors for each course.

(B) The clinical preceptor is responsible for the supervision and evaluation of paramedic students while fulfilling clinical requirements in an approved facility.

(vi) *Field preceptors.*

(A) The ALS training institute shall ensure the availability of field preceptors for each student.

(B) The field preceptor is responsible for supervision and evaluation of paramedic students while fulfilling field internships with an approved ALS service.

(vii) *Other faculty.* An ALS training institute may use the instructional services of other personnel as may be deemed appropriate, subject to approval by the regional EMS council.

(3) *Facilities and equipment.*

(i) The institute shall maintain facilities appropriate to conduct ALS training courses. Facilities include classrooms and space for equipment storage, and shall be of sufficient size to conduct didactic and practical skill performance sessions. The regional EMS council is responsible for determining the appropriateness of the facilities.

(ii) The institute shall provide and maintain the essential equipment and supplies as identified in the Department's Prehospital Personnel Training Manual. The equipment includes items necessary to perform skills required by the course curriculum, as defined in this part.

(4) *Operating procedures.*

(i) The institute shall adopt and implement the Department's nondiscrimination policy with respect to student selection and faculty recruitment.

(ii) A file shall be maintained on each enrolled student to include class performance, practical and written examination results and reports made concerning the progress of the student during the training program.

(iii) The institute shall provide a mechanism by which students may grieve decisions made by the institute regarding dismissal or other disciplinary action. The grievance procedure shall be subject to approval by the regional EMS council.

(iv) Students shall be provided with a clear description of the program and its content, including learning goals, course objectives and competencies to be attained.

(v) The institute shall evidence compliance with policies contained in the Department's Prehospital Personnel Training Manual. ]

§ 1011.3. Accreditation process.

For an ALS or BLS institute to be accredited by the Department, the following are required:

\* \* \* \* \*

(2) The regional EMS council shall review the application for completeness[ , ] and accuracy [ and conformance with the regional EMS plans and protocols ].

\* \* \* \* \*

(5) Within 150 days of receipt, the Department will review the application and make one of the following determinations:

(i) *Full accreditation.* The training institute [ currently ] meets the criteria in [ § § 1011.1 [ or 1011.2 ] (relating to BLS and ALS training institutes[ ; and ALS training institutes) ] as applicable, and will be accredited to operate for 3 years.

(ii) *Conditional accreditation.* The training institute does not [ currently ] meet criteria in [ § § 1011.1 [ or 1011.2 ] as applicable, but the deficiencies identified are deemed correctable by the Department. The program will be allowed to proceed or continue with close observation by the Department. Deficiencies which prevent full ac-

creditation shall be enumerated and corrected within a time period specified by the Department. Conditional accreditation may not exceed 1 year, and may not be renewed.

(iii) *Nonaccreditation.* The institute does not **[currently]** meet criteria in **[§]§ 1011.1 [or 1011.2]** and the deficiencies identified are deemed to be serious enough to preclude any type of accreditation. **[The applicant may request a hearing from the Department under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law).]**

\* \* \* \* \*

(7) Prior to and during accreditation, training institutes are subject to review, including inspection of records, facilities and equipment by the Department. An authorized representative of the Department **[or its designee has the right to]** may enter, visit and inspect an accredited training institute or a facility operated by or in connection with the training institute, with or without prior notification.

**[ (8) A training institute accredited by the American Medical Association shall be considered to have met the requirements in this part, and shall be accredited by the Department for a period to coincide with that of the American Medical Association's certification. ]** The Department may accept the survey results of another accrediting body if the Department determines that the accreditation standards of the other accrediting body are equal to or exceed the standards in this chapter, and that the survey process employed by the other accrediting body is adequate to gather the information necessary for the Department to make an accreditation decision.

**[ (9) (8) \*\*\***

**§ 1011.4. [Suspension/revocation] Denial, restriction or withdrawal of accreditation.**

(a) The Department may **[suspend or revoke]** deny, withdraw or condition the accreditation of a training institute **[upon written complaint and investigation]** for one or more of the following:

(1) Failure to maintain compliance with the applicable criteria in **[§]§ 1011.1 [or 1011.2]** (relating to BLS and ALS training institutes[; and ALS training institutes]) **[and standards and policies in the Department's Prehospital Personnel Training Manual].**

\* \* \* \* \*

(b) Before **denying or withdrawing accreditation, or granting conditional accreditation**, the Department will give written notice to the institute's administrative director and the regional EMS council that the action is contemplated. The notice will identify reasons for **[withdrawal of accreditation]** the intended decision and will provide sufficient time for response **[and a request for appeal and review of the Department's determination].**

(c) **[A revocation or suspension of accreditation may be appealed under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to administrative agency law).]** If an institute that applies for accreditation, or has

its accreditation withdrawn or conditioned, disagrees with the decision of the Department, it may appeal the decision under 1 Pa. Code § 35.20 (relating to appeals from actions of the staff) if the decision was not issued by the agency head as defined in 1 Pa. Code § 31.3 (relating to definitions) and, if it disagrees with the decision of the agency head, it may file an appeal under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law).

(d) Upon receipt of a written complaint describing conduct for which the Department may withdraw training facility accreditation, the Department will:

(1) Initiate an investigation of the specific charges.

(2) Provide the training facility with a copy of the complaint and request a response unless the Department determines that disclosure to the training facility of the complaint will compromise the investigation or would be inappropriate for some other reason.

(3) Develop a written report of the investigation.

(4) Notify the complainant of the results of the investigation of the complaint, as well as the training facility if the training facility has been officially apprised of the complaint or investigation. This notification does not include providing a copy of the written report developed under paragraph (3).

#### CHAPTER 1013. SPECIAL EVENT EMS

##### § 1013.1. Special event EMS planning requirements.

(a) *Procedure for obtaining required plan approval.* A person, agency or organization responsible for the management and administration of special events, as defined in § 1001.2 (relating to definitions), **[shall]** may submit a plan for EMS to the Department, **through the regional EMS council assigned responsibility for the region in which the special event is to occur, to secure a determination from the Department as to whether the plan is adequate to address the EMS needs presented by a special event or a series of special events conducted at the same location.** The plan shall be **[approved]** submitted prior to the start of the special event.

(1) Persons, agencies or organizations, managing facilities or locations which are involved in special events as defined in § 1001.2, **who seek the Department's approval of an EMS plan for a special event or series of special events conducted at the same location,** shall submit an annual plan to the **[Department]** appropriate regional EMS council at least **[60] 90** days prior to the date of the first scheduled event of each calendar year.

(2) The Department will approve or disapprove a special event EMS plan within **[30] 60** days **[of its receipt]** after a complete plan is filed with the regional EMS council.

(b) *Plan content.* The special event EMS plan shall contain information<sup>[, ]</sup> including<sup>[, but not limited to ]</sup>:

\* \* \* \* \*

(11) Measures that have and will be taken to coordinate EMS for the special event with local emergency care services and public safety agen-

cies—such as ambulance, police, fire, rescue and hospital agencies or organizations.

(c) **Plan approval.** To secure Department approval of an EMS plan for a special event, the applicant shall satisfy the requirements of this chapter.

**§ 1013.2. Administration, management and medical direction requirements.**

(a) *Special event EMS director.* [ **Emergency medical services** ] EMS provided at a special event shall be supervised by an individual identified as the special event EMS director.

(1) *Responsibilities.* The responsibilities of the special event EMS director include[ , but are not limited to ]:

\* \* \* \* \*

(iii) [ **Coordination of special event EMS, with local emergency care services and public safety entities—such as ambulance, police, fire rescue and hospital agencies or organizations** ] Ensuring implementation of the EMS coordination measures contained in the special event EMS plan.

\* \* \* \* \*

(b) *Special event emergency supervisory physician.*

(1) *Requirement.* A special event EMS system shall be directed and supervised by a [ **licensed** ] **medical command** physician for events involving more than [ **30,000** ] **25,000** actual or anticipated participants or attendees, or both.

(2) *Qualifications.* A special event emergency supervisory physician shall possess the following qualifications:

\* \* \* \* \*

(ii) [ **A valid license to practice medicine in this Commonwealth as a Doctor of Medicine or Doctor of Osteopathy** ] Be licensed as a physician.

**§ 1013.3. Special event EMS personnel and capability requirements.**

\* \* \* \* \*

(b) One staffed and Pennsylvania licensed ambulance vehicle shall be stationed onsite of a special event with a known or estimated population of between [ **10,000** ] **5,000** and [ **30,000** ] **25,000** participants or attendees, or both.

(c) Two staffed and Pennsylvania licensed ambulance vehicles shall be stationed onsite of a special event with a known or estimated population greater than [ **30,000** ] **25,000** but less than [ **60,000** ] **55,000** participants or attendees, or both.

(d) Three staffed and Pennsylvania licensed ambulance vehicles shall be stationed onsite of any special event with a known or estimated population greater than [ **60,000** ] **55,000** participants or attendees, or both.

\* \* \* \* \*

**§ 1013.5. Onsite facility requirements.**

A special event for which greater than [ **30,000** ] **25,000** participants or spectators, or both, will be involved shall require the use of onsite treatment facilities. The onsite treatment facilities shall provide:

\* \* \* \* \*

(2) Sufficient beds, cots and [ **BLS** ] equipment to provide for evaluation and treatment of at least four simultaneous patients.

\* \* \* \* \*

**§ 1013.6. Communications system requirements.**

(a) A special event EMS system shall have onsite communications capabilities to insure:

\* \* \* \* \*

(3) Communication with existing community [ **emergency communications centers** ] **PSAPs**.

\* \* \* \* \*

**§ 1013.8. Special event report.**

The person or organization that filed the special event EMS plan shall complete a special event report form prepared by the Department and provided to it by the relevant regional EMS council, and shall file the completed report with that regional EMS council within 30 days following a special event.

**CHAPTER 1015. QUICK RESPONSE SERVICE RECOGNITION PROGRAM**

Sec.

1015.1. Quick response service.

1015.2. Discontinuation of service.

**§ 1015.1. Quick response service.**

(a) *Criteria.* An applicant for recognition as a QRS shall file an application in which it shall commit to the following conditions to receive Department recognition as a QRS:

(1) The applicant will maintain essential equipment and supplies for a QRS, as published by the Department at least annually in the *Pennsylvania Bulletin*, for immediate use when dispatched.

(2) The applicant has capabilities to be dispatched and to communicate with a responding ambulance service.

(3) EMS it provides will be performed by prehospital personnel or other persons authorized by law to perform the services.

(4) The applicant shall satisfy the requirements applicable to ambulance services in §§ 1001.41 and 1001.42 (relating to data and information requirements for ambulance services; and dissemination of information), for data elements included in an ambulance call report which the Department designates for completion by a QRS.

(5) The applicant shall provide EMS in compliance with regional medical treatment protocols and the Statewide BLS medical treatment protocols.

(b) *Recognition process.*

(1) An applicant for Department recognition as a QRS shall submit an application on forms prescribed by the Department to the regional EMS council having jurisdiction over the area in which the applicant intends to locate. The application shall contain the following information:

(i) The name and address of the applicant.

(ii) The physical location of the applicant.

(iii) Service affiliations (police department, fire department, ambulance service, or other).



- (iv) The service area.
- (v) The types and number of vehicles it will employ, if any.
- (vi) Communication access and capabilities of the applicant.
- (vii) A roster of persons who have committed to serve as QRS members, and their qualifications.
- (viii) A summary of how the QRS will interface with ambulance services.
- (ix) Verification that the applicant will satisfy the requirements of subsection (a).
- (x) A statement attesting to the veracity of the application, which shall be signed by the principal official of the applicant.

(2) The regional EMS council shall review the application for completeness and accuracy. It shall return an incomplete application to the applicant within 14 days of receipt.

(3) Upon receipt of a complete application, the regional EMS council shall conduct, within 45 days, an onsite inspection of the applicant to determine whether the applicant satisfies the regulatory criteria for QRS recognition. Deficiencies identified during the inspection shall be documented and made known to the applicant. A reinspection shall be scheduled when the applicant notifies the regional EMS council that the deficiencies have been corrected. The results shall be forwarded to the Department.

**(c) Recognition.**

(1) A certificate of recognition as a QRS will be issued by the Department when it has been determined that requirements for recognition have been met.

(2) The certificate of recognition will specify the name of the QRS, the date of issuance, the date of

expiration, the regional EMS council through which the application was processed and the recognition number assigned by the Department.

(3) The QRS may identify a vehicle being utilized for response by applying to the outside of the vehicle a QRS decal issued by the Department.

(4) The QRS decal issued by the Department may not be displayed on a vehicle not utilized for response by the QRS.

(5) A certificate of recognition is nontransferable and remain valid for 3 years unless withdrawn by the Department due to the QRS failing to continue to meet the standards for recognition as a QRS in subsection (a).

(d) *Renewal of recognition.* A QRS may continue to participate in the Quick Response Service Recognition Program by resubmitting an application in a format prescribed by the Department to the appropriate regional EMS council at least 60 days prior to the expiration date of its certificate of recognition.

**§ 1015.2. Discontinuation of service.**

A QRS may not discontinue service, except upon order of the Department, without providing each regional EMS council and the chief executive officer of each political subdivision within its service area 90 days advance notice. The QRS shall also advertise notice of its intent to discontinue service in a newspaper of general circulation in its service area at least 90 days in advance of discontinuing service, and shall provide the Department with written notice that it has met these responsibilities at least 90 days in advance of discontinuing service.

[Pa.B. Doc. No. 99-260. Filed for public inspection February 12, 1999, 9:00 a.m.]